

DARFUR IN PERSPECTIVE

Darfur in Perspective

DR DAVID HOILE

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Telephone: 020 7872 5434
Telefax: 020 7753 2848
E-mail: director@espac.org
website: www.espac.org

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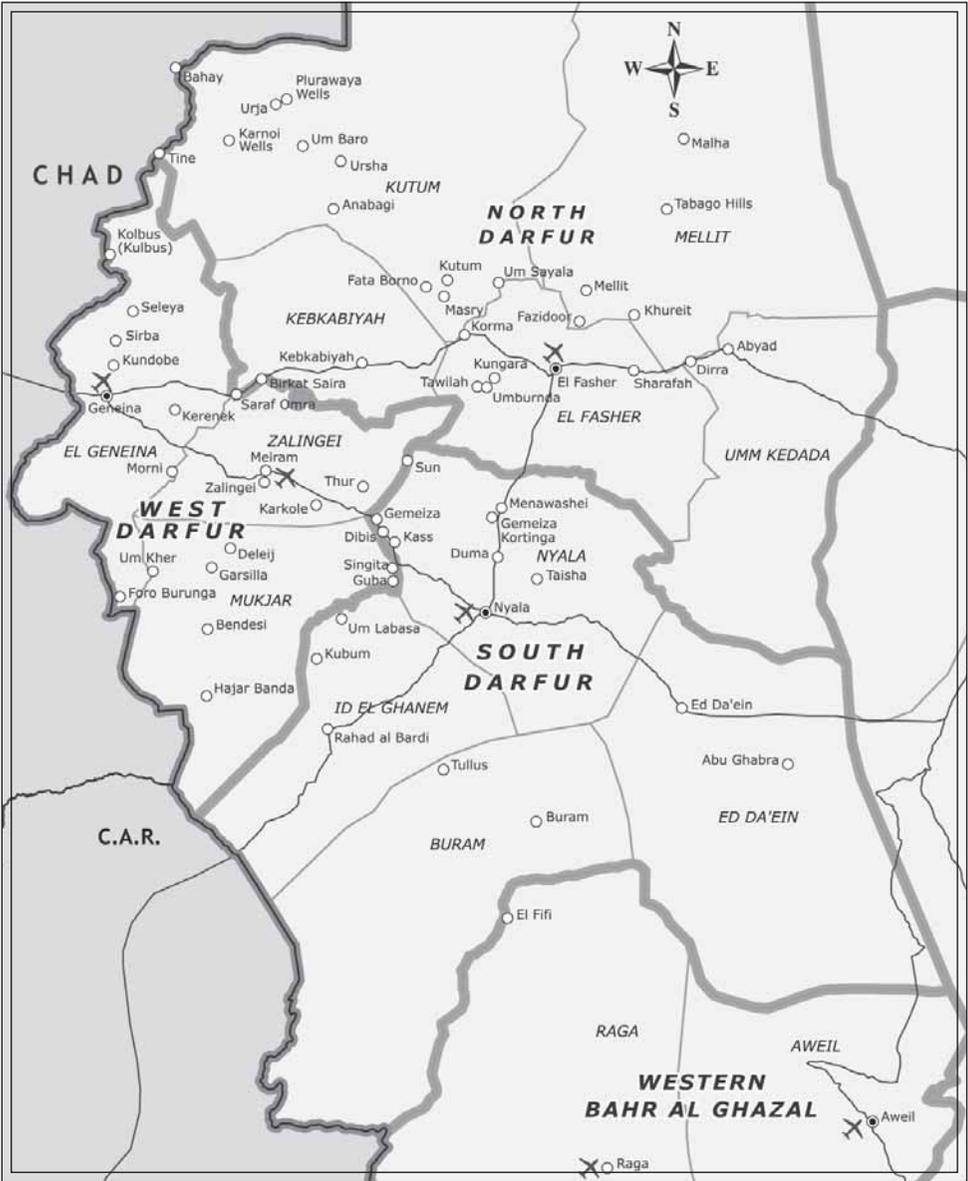
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Map of Sudan showing Darfur



Map of Sudan

ABBREVIATIONS

AU	African Union
BBC	British Broadcasting Corporation
CNN	Cable Network News
DOP	Declaration of Principles
ECHO	European Union Aid Office
EU	European Union
GOAL	Irish Humanitarian Organisation
GOS	Government of Sudan
HAC	Humanitarian Aid Commission
ICG	International Crisis Group
IDP	Internally Displaced Person
JEM	Justice and Equality Movement
JIM	Joint Implementation Mechanism
MSF	Médecins sans Frontières
NCP	National Congress Party
NIF	National Islamic Front
NMRD	National Movement for Reform and Development
OCHA	Office for the Coordination of Humanitarian Affairs
OLS	Operation Lifeline Sudan
PANA	Pan African News Agency
PC	Popular Congress
PDF	Popular Defence Force
SLA	Sudan Liberation Army
SLM	Sudan Liberation Movement
SMC	Sudan Media Center
SNMEM	Sudan National Movement for the Eradication of Marginalisation
SPLA	Sudan People's Liberation Army
SUNA	Sudan News Agency
UN	United Nations
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WFP	World Food Programme

ABOUT THE AUTHOR

Dr David Hoile is a public affairs consultant specialising in African affairs. He has studied Sudanese affairs for ten years and is the author of *Images of Sudan: Case Studies in Propaganda and Misrepresentation* (2003) and *Farce Majeure: The Clinton Administration's Sudan Policy 1993-2000* (2000) and editor of *The Search for Peace in the Sudan: A Chronology of the Sudanese Peace Process 1989-2001* (2002). He is the author or editor of a number of other publications on African affairs, including *Mozambique A Nation in Crisis* (1989) and *Mozambique, Resistance and Freedom: A Case for Reassessment* (1994). Dr Hoile is also a Research Professor at the University of Nyala in Darfur, and a Visiting Professor at the Institute of African-Asian Studies and the Department of Political Science at the University of Khartoum.

Introduction

The war that has been fought in Darfur over the past three years has been a humanitarian disaster. The violence is said to have amounted to “a demographic catastrophe”.¹ Hundreds of villages have been destroyed and tens of thousands of people may have died as a direct or indirect result of the conflict. Many more have become internally displaced persons (IDPs) within Darfur, or refugees in Chad. The United Nations’ *Darfur Humanitarian Profile*, published in September 2005, estimated that just below 3.4 million people were in need of humanitarian assistance, 47 percent of whom constituted resident populations: “The number of IDPs continues to slightly decline as new verifications are carried out, and has dropped below 1.8 million for the first time since February 2005. While there are reports of IDPs returning to farm their land, it remains uncertain whether this is a permanent phenomenon. Overall, it can be expected that the number of IDPs will remain largely unvaried until the preparation of the next agricultural season, in early 2006.”²

In its September 2005 report, the UN noted that “Crop forecasts for the coming harvest indicate an 80 percent improvement compared to last season. In total 51% of households are now cultivating against 35% in 2004. The good conditions also enabled some IDPs who settled close to their areas of origin to temporarily move back to their area and cultivate.”³ As of September 2005 there were 184 fixed health centres in Darfur with an additional 36 mobile centres. Fourteen primary health care centres were opened from May to August 2005: “75% of accessible hospitals had been rehabilitated, providing free access to 70% of the IDPs and conflict affected population.”⁴ Much of this had been possible because of a ceasefire – albeit one repeatedly violated – that has been in place since 2004.

As of January 2005 the humanitarian crisis had started to ease. In its 2004 year-end report, the Office of the United Nations Resident and Humanitarian Co-ordinator for the Sudan, reported that the 90-day humanitarian action plan, from June to August 2004, had been a success. It further reported that “by 31

December 2004 the humanitarian situation for most of the 2.2 million people affected is stabilized...The catastrophic mortality figures predicted by some quarters have not materialised".⁵ The United Nations reported that a June 2005 mortality survey showed that "the crude mortality rate was 0.8 deaths per 10,000 people per day in all three states of Darfur." This was "below the critical threshold of one death per 10,000 people per day. A year earlier, a similar survey showed crude mortality rates three times higher."⁶ This improvement was because of an unprecedented effort by the international community, UN agencies and non-governmental organisations.

The UN reported that the number of aid workers had increased from 200 in March 2004 to 8,500 by the end of 2004.⁷ The UN confirmed that in September 2005 the number of humanitarian workers in Darfur had grown further to around 13,500 and that they were working for 81 NGOs and 13 UN agencies.⁸ In January 2005, the World Health Organisation confirmed that food and health access, water supply and sanitation services were making a significant difference in addressing the crisis.⁹

All these achievements were subsequently endangered by an escalation in rebel ceasefire violations, including attacks on aid workers, humanitarian convoys and government forces. The BBC noted that "after eight months of relative calm and improving security, the situation in Darfur is deteriorating once again. Banditry and attacks on aid convoys are increasing and the finger of blame is being firmly pointed at the SLA, Darfur's main rebel movement... The African Union said the rebels' provocative banditry and lack of cooperation was casting doubt over their commitment to negotiations."¹⁰ The rebels subsequently also murdered several African Union peacekeepers.¹¹

At the end of January 2005, the United Nations International Commission of Inquiry on Darfur reported back to the UN Secretary-General, stating that while there had been serious violations of human rights in the course of the war in Darfur, allegations of genocide were unfounded.¹² Following on from recommendations made by the UN Commission, the UN Security Council called upon the International Criminal Court to investigate human rights abuses in Darfur.¹³ The Sudanese national commission of inquiry into human rights violations in Darfur also published its report in January 2005. Established by presidential decree and chaired by a former chief justice of Sudan, the commission visited Darfur on several occasions and spent several months taking

evidence from hundreds of witnesses. The national commission also found that there was no evidence to support allegations of genocide in Darfur. The commission found that there had been grave violations of human rights and recommended the establishment of a judicial commission to investigate, indict and try those responsible for crimes in Darfur. It also recommended the setting up of compensation and administrative commissions to assist with reconciliation within Darfur.¹⁴

African Union-sponsored peace talks have made some progress with the signing of several humanitarian and ceasefire protocols including a declaration of principles – signed eventually in July 2005 – outlining the framework for a political settlement of the conflict. This progress was in the face of considerable difficulties, not least of which international concerns at an inability or disinclination on the part of the rebel movements – despite having started the war ostensibly to address political grievances – to engage in a negotiated settlement of the conflict or to present a political programme. Alex de Waal and Julie Flint, long-time critics of the Khartoum government, have noted, for example, that because of rebel shortcomings “[b]y the end of [2004] there had not been a single day’s discussion about a framework for a political settlement...In the AU’s conference chambers, SLA delegates rage at the government, but don’t articulate a political agenda.”¹⁵ And all this while the very people on whose behalf they claimed to be fighting live precarious lives in displaced peoples’ camps the length and breadth of Darfur in the face of growing international donor fatigue.¹⁶ This rebel indifference to the suffering of Darfurians continued well into 2005. In late November, the UN stated that the rebels were still blocking peace talks and the African Union threatened to impose sanctions on them because of their obstructionism.¹⁷

The role of the African Union in peace-keeping and civilian protection within Darfur has been crucial. By October 2005, the AU Mission in Sudan (AMIS), established by ceasefire protocols signed by all parties to the conflict in April 2004, had deployed 6,171 military personnel and 1,586 police officers in Darfur.¹⁸ AMIS has also been supported logistically by NATO.¹⁹

The signing of the Comprehensive Peace Agreement in January 2005, ending the long-running civil war between the Government of Sudan and the rebel Sudan Peoples Liberation Army (SPLA), also provided considerable political space within which all sides to the Darfur crisis could push for a

peaceful solution to the conflict, as well as suggesting a possible model.²⁰ The new government of national unity in Sudan, bringing together Sudan's former north-south combatants, restated its commitment to peace talks.²¹ Southern Sudan's new leadership in the shape of Sudanese First Vice President (and President of an autonomous Government of Southern Sudan), SPLA leader Salva Kiir Mayardit, committed itself to work for peace in Darfur.²² In September 2005, Sudan's new foreign minister, SPLA politician Dr Lam Akol, outlined a new plan to end the Darfur conflict.²³ While the new government of national unity has been welcomed internationally²⁴, regrettably the Darfur rebels have chosen to attack Sudan's new government.²⁵ In early October, Vice-President Kiir urged the international community to press the Darfur rebels to seek a peaceful solution to the conflict.²⁶

For all the column inches of media coverage of the war, there are still a number of essentially unanswered questions concerning the Darfur crisis. One of the first must be what triggered the systematic outbreak of violence in Darfur in February 2003? This question is at the heart of understanding the dynamics of the conflict. Given concerted international attempts at peace-making and offers of regional autonomy together with power- and wealth-sharing, a second question is: what sustains the conflict? A third question concerns whether any of the parties are dragging their feet in the peace process; and, if so, why? A fourth question is what is the real position with regard to humanitarian access to Darfur? A fifth question asks the extent to which flawed interpretations and questionable projections of the crisis — some of them the sort of propaganda invariably associated with war and particularly civil war — hinder both reconciliation and peace-building while at the same time skewing and adversely influencing international opinion. And, of course, following on from this question, is the credibility of claims of genocide and ethnic cleansing in Darfur.

Darfur in Outline

The Darfur region, divided into the states of North, South and West Darfur, is the western-most part of Sudan. Darfur's 160,000 square miles make up one fifth of Sudan. It is an expanse of desert in the north through to savannah in the south. Geographically, it is made up of a plateau some 2,000 to 3,000 feet above sea-level. The volcanic Jebel Marra mountain range runs north and south

for a distance of some 100 miles, rising to between 5,000 and 6,000 feet. Darfur's six million or so inhabitants comprise one seventh of Sudan's population. They are made up of farmers growing sorghum, millet, groundnuts and other market vegetables and nomadic cattle and camel pastoralists.

Formerly an independent sultanate, and named after the Fur tribe ("Dar" means land of the Fur), Darfur was incorporated into Sudan by the British government in 1917.²⁷ Some of its borders were not finalised until as late as 1938. Previously administered as one entity, Darfur was divided into three states in the early 1990s. Al-Fasher, historically the capital of Darfur, is now the capital of North Darfur state; Nyala is the capital of South Darfur state; and al-Geneina is the capital of West Darfur state. Each state has a regional assembly, and a governor appointed by central government. Darfur is strategically placed, bordering Libya to the north-west, Chad to the west, and the Central African Republic to the south-west. Culturally, Darfur is part of a belt from Mauritania to the Red Sea.

The largest ethnic group within Darfur are the Fur people, who consist mainly of settled subsistence farmers and traditional cultivators. Other non-Arab, "African", groups include the Zaghawa nomads, the Meidob, Massaleit, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur. The mainly pastoralist Arab tribes in Darfur include Habania, Beni Hussein, Zeiyadiya, Beni Helba, Ateefat, Humur, Khuzam, Khawabeer, Beni Jarrar, Mahameed, Djawama, Rezeigat, and the Ma'aliyah.²⁸ Sudanese sociologists have suggested that the population in Darfur can also be divided into four groups: the *Baggara* (cattle nomads), the *Aballa* (camel nomads), the *Zurga* (a Darfur name for non-Arab peasants derived from the Arabic word for blue), and the inhabitants of the urban centres.²⁹ A more culturally-based classification distinguishes between four groups: the Arabs; the fully Arabised; the partly Arabised; and the non-Arabised. The "Arabs" are the native Arabic speakers: the Rezeigat, the Zeiyadiya, Beni Hussein, and the Djawama nomads who, as a result of intermarriage with the indigenous Darfurians, look much darker than non-Sudanese Arabs. The "fully Arabised" group is made up of those Darfurians, such as the Berti, who have lost their native languages to Arabic. The third, "partly Arabised" group is made up of those communities such as the Fur, the Zaghawa, and the Meidob, who have kept their native languages, but also speak Arabic fluently. The last "non-

Arabised” group consists of tribes that speak very little Arabic, for example, the Massaleit, some sections of the Zaghawa, the Berti, the Mima, the Tama, and the Kanein.³⁰ A linguistically based analysis would categorise as “African” those whose mother-languages belong to the Nilo-Saharan language group.³¹

Darfur is an ecologically fragile area which had already seen growing — and often armed — conflict over natural resources between some 80 tribes and clans loosely divided between nomadic and sedentary communities. Sudanist academics such as Richard Lobban and Rex O’Fahey have stated: “This conflict has emerged at the present in the context of persistent ecological crises of increased desertification and lack of production and limited grazing lands among the pastoralist and agricultural peoples.”³² Professor Fahey has noted that desertification accelerated by droughts led to pressure on water and grazing resources...Conflicts over wells that in earlier times had been settled with spears or mediation became much more intractable in an era awash with guns.”³³ Desertification and drought had forced a number of tribal migrations from the 1970s onwards and by the late 1980s, as noted by Darfurian writer Ismail Abakr Ahmed, “the migrant groups increased in numbers, and in the absence of social harmony, tribal factions developed and culminated in violent conflicts.”³⁴

These inter-tribal and intra-tribal conflicts, some between nomadic communities and farmers, and some within nomadic and farming communities themselves, were a feature from the late 1950s onwards. The following are some of the armed tribal conflicts that have taken place within Darfur since independence: 1957, Meidob against Kababish caused by mutual raiding for camels and disputed territorial access; 1968, Rezeigat against Ma’aliyah, caused by disputed access and livestock theft; 1969, Zaghawa against northern Rezeigat, caused by disputed access to pasture and water and livestock theft; 1974, Zaghawa against Birgid, caused by disputed access to farming land and livestock theft; 1976, Beni Helba against northern Rezeigat, caused by disputed access to pasture and water and livestock theft; 1980, northern Rezeigat against Beni Helba, Birgid, Dajo, and Fur, caused by disputed access to pasture and water and livestock theft; 1980, Taisha against Salamat, caused by disputed access to pasture and water and livestock theft; 1982, Kababish and Khawabeer against Meidob, Berti and Zeiyadiya, caused by disputed access to pasture and water

and livestock theft; 1984, Missairiya against Rezeigat, caused by disputed access to pasture and water and livestock theft; 1987, Gimir and Mararit against Fellata, caused by disputed access to pasture and water and livestock theft; 1989, the Fur of Kabkabiya against the Zaghawa, over disputed territorial access and livestock theft; 1989, the Fur against various Arab tribes, caused by disputed territorial access and political conflict; and 1989, Gimir against Zaghawa, caused by disputed territorial access and livestock theft.³⁵ Six of these thirteen conflicts were fought between Arab nomadic communities: four of the conflicts were between parties who were both non-Arab. All of these were serious armed conflicts, sometimes involving thousands of tribesmen, with combatants increasingly well armed with automatic weapons and vehicles. As is also apparent from the tribes involved, the violence was both within and across ethnic divides. The Sudanese national commission documented 36 major inter- and intra- tribal conflicts from 1932-2001.³⁶

John Ryle has noted: “Low-level fighting among communities in western Sudan (all of which are Muslim) has been endemic since the late 1980s, when a war broke out between the Arabs and the Fur, two of the ethnic groups involved in the present conflict.”³⁷ Much of this violence also had cross-border implications, with affected communities, such as the Salamat, often straddling the Sudan-Chad frontier. From 1983-87, as some northern Darfur tribes moved south into the central farming belt because of the drought, the Zaghawa and Ma’aliyah came into armed conflict with Fur communities. This conflict and others involving the Fur led to thousands of deaths, tens of thousands of displaced Darfurians and the destruction of thousands of homes. It was settled by a government-mediated intertribal conference in 1989. The 1990s were marked by three distinct conflicts. In 1990 the southern Sudan People’s Liberation Army unsuccessfully tried to start an insurgency, led by Fur activist Daud Bolad, amongst non-Arab communities; in 1996 there was a long-running conflict between the Rezeigat and the Zaghawa; and from 1997-99 there was fighting in western Darfur between the Massaleit and some Arab tribes. The SPLA-inspired insurgency was defeated within a matter of months and, generally speaking, inter-tribal conferences and conciliation, *ajaweed* and *mutamarat al sulh*, settled most of the other disputes.

Amnesty International’s picture of Darfur pre-rebellion also overlaps with inter-ethnic tensions: “The lack of employment opportunities, the proliferation

of small arms and the example of militia raiding and looting in Kordofan and the south, have encouraged banditry, acts of armed robbery and general insecurity.”³⁸ The simple fact is that all these factors existed well before 2003. An insurgency amongst “African” tribes had been tried and had failed; tribal conflicts had come and gone; ecological factors had been there for some time; the region was awash with weapons. What was it that made the key difference in sparking and fanning the war in 2003? What was it that turned limited, low-intensity conflicts between the pastoral and arable farming groups in Darfur into a well-organised, well-armed and well-resourced insurrection? Why was it that for the first time ever warring tribes in Darfur had systematically attacked and killed soldiers and policemen – historically seen as arbiters within regional conflicts?

The answers possibly lie with the answer to a final question, perhaps the most elementary one – a question not asked by the international community and especially not by the media – which is the old Latin one of *Cui Prodest*, or whom does it benefit? Khartoum certainly has not benefited. Several years of painstaking diplomacy, together with the peace talks which culminated in the end of the civil war in the south, had brought Sudan to the verge of normalising its relations with the international community. To somehow believe that the Sudanese government set out to destroy all that work by recklessly embarking on “genocide” in Darfur just as it was poised to rejoin the community of nations would be naïve. This is a point raised by French academic, and noted Khartoum critic, Gérard Prunier: “[G]enocide began to be mentioned as an explanation [for events in Darfur] in early 2004 by more militant members of the international community... This hypothesis... failed to explain why Khartoum would have picked such an obviously wrong moment.”³⁹ The Zaghawa and Fur communities have similarly not benefited, having borne the brunt of a ruthless insurgency and counter-insurgency and vicious intra-rebel and intra-tribal violence. The close involvement, both in the preparations for the insurgency, and then in the war itself, of veteran anti-government Islamist politicians such as Dr Hasan Turabi – an Islamist extremist sidelined in 1999 by the Khartoum government – and paramilitaries drawn from the his party, the Popular Congress, is evident. These forces have used Darfur as a battlefield on which to wage war against the Khartoum government – and ironically were, in large part, the same people who ruthlessly put down the attempted

insurrection in 1990. Previously sidelined in Khartoum politics from 1999 onwards, the Darfur conflict has brought these radical Islamists back to centre stage, and, in so doing, the Popular Congress has changed the electoral dynamics of western Sudan

Chapter One

THE CAUSES OF THE DARFUR CRISIS

The conflict in Darfur has nothing to do with marginalisation or the inequitable distribution of wealth. Inherently it is a struggle between the two factions of the Sudanese Islamist movement, the (opposition) Popular Congress party and the ruling National Congress (party).

Sudanese Human Rights Activist Ghazi Suleiman⁴⁰

The war in Darfur which began in February 2003 was markedly different from the conflicts which had hitherto been fought in the region. Two armed groups, the Justice and Equality Movement (JEM) and the Sudan Liberation Army (SLA), launched attacks on policemen, government garrisons and civilians in the area.⁴¹ While the first widely acknowledged attack was on Gulu, the capital of the Jebel Marra region of central Darfur, there had been attacks on government forces and civilians for several months prior to that. One of the first attacks was on an army post between Nyala and Tur in early 2002. The rebel groups appear to have been drawn from within “African” sedentary communities such as the Fur, Zaghawa and Massaleit. In October 2002, what would subsequently become the SLA elected a leadership which allocated the three top positions along tribal lines. A Fur, Abd al-Wahid al-Nur, became chairman; Abdalla Abakkar, a Zaghawa, became chief-of-staff; and the deputy-chairmanship was allocated to a Massaleit, Mansour Arbab. When Abdalla Abakkar subsequently died in the fighting, another Zaghawa, Minni Arkou Minawi, replaced him, calling himself the secretary-general of the SLA. Mansour Arbab was also later replaced by Khamees Abdallah. The Justice and Equality Movement was publicly launched in 2001. Led by Dr Khalil Ibrahim an Islamist hard-liner, and a long-time associate of Dr Hasan Turabi, JEM is closely identified with the Zaghawa tribe.

A number of systematic and well-organised attacks, most notably on al-Fasher and Mellit, respectively the capital and the second largest city in North Darfur, followed on from the Gulu attack. The attack on al-Fasher was by hundreds of rebels, in dozens of vehicles, and there were significant military and civilian casualties. Prunier notes that the rebels murdered 200 army prisoners after they had surrendered.⁴² The rebel forces are said to be “well-equipped”.⁴³ The SLA was reported by Agence France Presse to have “modern satellite communications”.⁴⁴ UN media sources have also noted claims by tribal leaders that the rebels have better weapons than the Sudanese army.⁴⁵ The rebels have also been receiving military supplies by air.⁴⁶ The fighters, led by commanders with satellite telephones, are well-armed with rocket-propelled grenades, heavy machine-guns, mortars and automatic rifles, and transported in fleets of all-terrain vehicles – mainly Toyota “technicals” with mounted heavy machine guns, an infamous hallmark of the Somalian conflict. The rebels have killed over 685 policemen, wounded 500 others and attacked and destroyed over 80 police stations.⁴⁷ It is worth noting that most of the policemen killed or wounded were from “African” tribes.

In response to these attacks, government forces launched military offensives against the SLA. These resulted in the death of the SLA military commander, Abdallah Abakkar, and the recovery of most of the areas previously held by the rebels. The communities from which the rebels had recruited their fighters bore the brunt of much of the fighting.

In perhaps the most objective reading of the present crisis in Darfur, the UN media service has made this analysis: “The conflict pits farming communities against nomads who have aligned themselves with the militia groups – for whom the raids are a way of life – in stiff competition for land and resources. The militias, known as the Janjaweed, attack in large numbers on horseback and camels and are driving the farmers from their land, often pushing them towards town centres.”⁴⁸

The violence in Darfur has taken on several forms. The government has used its army and air force in its response to the rebellion. It has also drawn on local “popular defence forces”, made up of national and local volunteers. And it has also recruited from amongst politically supportive local tribes to form additional irregular forces. It is also clear that a variety of other armed groups have been active in Darfur over the past two years, either as participants in the

war or taking advantage of the turmoil the conflict has caused. The systematic murder by rebels of several hundred policemen and the destruction of over 80 police stations created a security vacuum, especially in rural areas. The rebels' targeting of tribal leaders and tribesmen from several "Arab" tribes, and the theft of thousands of head of livestock from these tribes, have resulted in an explosion of inter-communal violence with revenge attacks and livestock raids by equally well-armed nomadic tribes.⁴⁹ Darfur has also historically had a serious problem with armed banditry, the so-called "Janjaweed" phenomena, and heavily armed criminal gangs from both sides of the Chad-Sudan border have added to the chaos.

A disjointed peace process saw several short ceasefires in the course of 2003. On 19 April 2004, however, the government and rebels signed a significant humanitarian ceasefire agreement mediated by the Chadian government as a first step towards a lasting peace. In November 2004 African Union (AU) mediation resulted in the government and rebel movements signing the Abuja protocols, extending the ceasefire and aid access agreements.⁵⁰ These were followed by the signing in July 2005 of a Declaration of Principles which outlined the basis of a possible political settlement. The African Union is providing both a forum for continuing peace talks and ceasefire supervision. It is essential that agreements are honoured, monitored and followed through as the international community attempts both to address the humanitarian aid needs of those hundreds of thousands of civilians who have been displaced by the war and to facilitate a political solution to the conflict.

What Has Caused the Unrest?

It is essential for anyone seeking to bring the Darfur conflict to an end to examine closely the causes of the violence that has convulsed the region. The insurgents claim to be acting because of Darfur's marginalisation and underdevelopment. That Darfur is underdeveloped is self-evident. It is no more underdeveloped, however, than several other parts of Sudan. It is also clear that this historic underdevelopment – however it is measured – does not adequately explain the inter-communal violence in past decades. It is particularly difficult to accept that underdevelopment and marginalisation account for the level of focused and orchestrated violence aimed at the

Government of Sudan since early 2003 – violence clearly planned for some considerable time beforehand.

It is difficult, for example, to ignore Khartoum's assertions with regard to development in Darfur since the present government, one of the poorest in the world, came to power in 1989. The government has stated that, before 1989, there were only 16 high schools in Darfur: there are presently some 250 schools; the number of primary schools had increased from 241 in 1986 to 786 in 2003. In 1989 there were 27,000 students in schools; in 2003 there were more than 440,000.⁵¹ In 1989 there was not a single university in Darfur; there are now three. The number of hospitals in Darfur has increased under this government from three hospitals in 1988 to 23 hospitals by 2001; health centres had increased from 20 to 44 in the same period. Water pump production in greater Darfur has also increased from 1,200,000 cubic metres in 1989 to 3,100,000 cubic metres in 2003. During 2000-2003, the following water projects were implemented in greater Darfur: the installation of 110 deep ground wells, the rehabilitation of 133 ground wells, the building of 43 dykes and 30 dams, the drilling of 842 hand pumps and the rehabilitation of 839 hand pump wells. The total power generation in greater Darfur has risen under this government from 2,300 kilowatts in 1989 to 4,500 kw by 2000. Before 1989 there was not a single airport in Darfur; there are now three, in al-Fasher, Nyala and al-Geneina, along with three aerodromes at al-Deain, Zallingi and Jama – this represents 40 per cent of airports outside of the national capital. There has been a three-fold increase in paved roads since 1989. And, politically, Darfur is very well represented at all levels of Sudanese society. As of early 2005 there were eight government ministers from Darfur and four Darfurian state governors.⁵² Darfurians are also members of the supreme and constitutional courts. Darfurian representation in the National Assembly is second only to the southern states.⁵³

The Sudanese government has also made the point that, far from showing interest in development issues for Darfur, rebels have repeatedly attacked key education and development projects and civilians involved in these projects. In April 2003, rebels murdered Engineer Ahmed Youssef Mahdi, the director of the Jebel Marra agricultural scheme. On 21 November 2003, for example, rebels murdered al-Tayeb Abdul Gadir al-Nour, a telephone engineer, while he was inspecting the fibreglass cable line linking Nyala and al-Geneina. On

27 November that year they murdered three water engineers working on rural water schemes. In March 2003 rebels attacked the school examination centre in Tina and stole the examination papers. This led to the abandoning of certain school examinations nationally, adversely affecting tens of thousands of school students and their families.⁵⁴

Rebel attacks on development projects continued into 2004. In June 2004, for example, rebel attacks stopped work on an emergency water supply project for al-Fasher.⁵⁵ Their attacks on development and infrastructure projects have been criticised by several Darfurian community leaders. The chairman of trade unions in North Darfur, Alamir Altagani Ali Dinar, stated that it was “strange” that the rebels attacked the development projects in the state, while claiming lack of development as the cause of their movement. The general secretary of the Ministry of Social Welfare, Mohammed Nour Ahmed, said that the attacks delay development projects in Darfur.⁵⁶ By May 2005, in the state of North Darfur alone, all health facilities had been destroyed or affected by the war. Almost 40% of dispensaries and 80% of the wells in the state had also been destroyed or damaged.⁵⁷

What is becoming increasingly obvious is that whatever legitimate issues may have arisen out of concerns about underdevelopment they have been hijacked by various opportunistic forces to serve different ends. The question that must be answered is what was it that turned limited, low-intensity conflicts between, and within, the pastoral and arable farming groups in Darfur into a well-organised, well-armed and well-resourced rebellion? Rebel claims that the war is simply the inevitable result of marginalisation have been contradicted by reputable, independent observers. A particularly credible observer is Ghazi Suleiman, Sudan’s most prominent human rights activist. He has been described by Reuters as “a prominent non-partisan political figure”⁵⁸ and by the Knight-Ridder news service as a “well-known Sudanese human rights lawyer.”⁵⁹ Suleiman has publicly stated: “The conflict in Darfur has nothing to do with marginalisation or the inequitable distribution of wealth. Inherently it is a struggle between the two factions of the Sudanese Islamist movement, the (opposition) Popular Congress party and the ruling National Congress (party).”⁶⁰

One of the few recognised experts on Sudan, albeit from a clearly anti-government perspective, is Alex de Waal. Described by *The Observer* newspaper

of London as a “world authority on the country”, de Waal is a human rights advocate who has published widely on Sudan. He has also previously worked in Darfur. De Waal has also made interesting points about the marginalisation issue. He has noted, for example, that the black Arabs of Darfur are “among the most disadvantaged of all Darfur’s communities”.⁶¹ The Zaghawa community, on the other hand, has established itself commercially in Darfur and other parts of Sudan. De Waal has noted: “They cannot simply be described—as they often are—as ‘nomads’ or ‘farmers’: they are both, and more besides. For sheer business acumen, the Zaghawa surpassed all contenders in Darfur, making spare but impressive profits in an economy that seemed to have no surplus.” In addition, the Zaghawa are the ruling *élite* in Chad – Chadian President Idriss Déby, and many of the ministers and army officers around him, are Zaghawa.⁶² It is also the case that the rebels cannot in any case claim the full support even of their own communities. In April 2004, for example, SLA rebels kidnapped and murdered Abdel Rahman Mohammain, a prominent Zaghawa tribal leader, because of his opposition to them. The UN stated that this murder was “aimed at intimidating and deterring” local leaders in Darfur.⁶³

Claims of Fur marginalisation are also very questionable. Prunier, for example, points out that, in January 1980, the Fur politician, Ahmed Diraige, became Governor of Darfur. The deputy governor was Mahmood Beshir Jama, a Zaghawa. The Speaker of Darfur’s Parliament was another Fur.⁶⁴ Douglas Johnston has also shown that at the time of many of the pre-2003 conflicts between pastoralists – Arab and African, such as the Zaghawa – and farmers, far from being marginalised it was the Fur who dominated government structures in Darfur: “With the upper levels of the regional government being occupied by Fur, the broader structural changes of regionalization from 1981 onwards led to a sharpening of partisan politics in the approach to pastoralist/non-pastoralist confrontations.”⁶⁵ Even Sharif Harir, a long-time critic of Khartoum and himself now closely identified with the Sudan Liberation Army, has noted that the appointment in 1981 of the Fur politician Ahmed Diraige as Governor of Darfur saw a Fur political ascendancy in the region. He also noted that Fur hegemony resulted in the crystallisation of two political alliances – with the Fur and elements of urban Darfurian elites on one hand, and the Zaghawa, nomadic Arab groups and the Islamist extremists on the other.⁶⁶

Harir even went so far as to state that “a deep hostility began to develop between the persecuted groups and the Fur-led government.”

While citing marginalisation, it is clear that those sections of the Zaghawa, Fur and other tribes who are at the forefront of the rebellion in Darfur have themselves in large part dominated political and economic life in Darfur. Their motivations continue to be influenced by political ambition and, in the case of elements of the Zaghawa, by a continuing allegiance to Islamist politics and Dr Hasan Turabi.

The Islamist Roots of the Darfur Conflict

For all the claims of marginalisation, there is no doubt whatsoever that the conflict within the Sudanese Islamist movement following the government’s sidelining of the Islamist *eminence grise* Dr Hasan Turabi in 1999 is central to the Darfur conflict. Once the mentor of the present government, Dr Turabi had long been seen by reformists within the Sudanese government/ ruling élite as an obstacle both to the normalisation of relations with the United States and a peace agreement with southern rebels. The ruling National Congress party, *al-Mutamar al-Wattani*, split in 2000/2001 with hard-liners under Turabi, many of them from Darfur, forming the Popular Congress party, *al-Mutamar al-Sha’bi*, in opposition to any engagement with Washington and the West and peace in southern Sudan. (De Waal has observed: “It is almost unbearably ironic that just as southern Sudan is on the brink of peace, Darfur – and with it the entire north – is convulsed by another war. The linkage is not accidental”⁶⁷).

Sudarsan Raghavan, the Africa bureau chief for Knight-Ridder Newspapers, a veteran commentator on Darfur and critic of the government, has reported on the Islamist twist to the Darfur issue: “The violence in Sudan’s western province of Darfur...is widely portrayed as an ethnic-cleansing campaign by Arab militias against black African villagers. *But it’s also part of a long-running fight for political supremacy between Sudanese president Omar al Bashir and an Islamist who called Osama bin Laden a hero.* [Emphasis added] For 15 years, Hassan Turabi was Sudan’s most powerful man, deftly manoeuvring its leaders from his perch as speaker of the parliament. He counted bin Laden among his close friends and once called the United States ‘the incarnation of the devil’.” Turabi has subsequently been very critical of

Khartoum for “selling out” to Washington, including Sudan’s considerable assistance in the war on terrorism and concessions Khartoum has made in the peace process.⁶⁸

Raghavan asserts that “the government is deathly afraid of Turabi” and has noted: “many Sudanese believe...Turabi’s supporters are the core of the rebel groups”.⁶⁹ He also cites Ghazi Suleiman, whom he described as a “well-known Sudanese human rights lawyer”, as saying of the war in Darfur: “It is a struggle to seize power in Khartoum, and the battlefield is in Darfur.”⁷⁰ In a different interview, with Reuters, Ghazi Suleiman stated that “Turabi is the mastermind of the existing conflict in Darfur. If he is released and if the government tries to come to an agreement with him he will stop what is going on in Darfur in a week.”⁷¹ This line of analysis has also been confirmed by other anti-government commentators. Dr Tajudeen Abdul-Raheem, the general-secretary of the Pan African Movement and co-director of Justice Africa, a human rights organisation, has also said: “Darfur is a victim of the split within the National Islamic Front personified by...Dr Hassan al-Turabi and his former protégé, General Omar al-Bashir. Al-Turabi’s support is very strong in Darfur...”⁷²

The Justice and Equality Movement is increasingly recognised as being part and parcel of the Popular Congress. *Time* magazine has described JEM as “a fiercely Islamic organisation said to be led by Hassan al-Turabi” and that Turabi’s ultimate goal is “the presidential palace in Khartoum and a stridently Islamic Sudan”.⁷³ JEM leader Ibrahim Khalil is a long-time associate and protégé of Turabi’s and served as a state minister in Darfur in the early 1990s before serving as a state cabinet-level advisor in southern Sudan. Ibrahim was a senior member of the Islamist movement’s secret military wing. The International Crisis Group has noted that “Khalil Ibrahim...is a veteran Islamist and former state minister who sided with the breakaway [Popular Congress] in 2002 and went into exile in the Netherlands.”⁷⁴ He was closely involved in raising several brigades of the Popular Defence Force (PDF) and *mujahideen*, many of them personally recruited from Darfur tribes, to fight rebels in southern Sudan. He was known as the *emir* of the *mujahideen*.⁷⁵ Ibrahim recruited several hundred JEM fighters from the ranks of those Darfurian tribesmen he had led in the south, claiming that the Khartoum government had sold out to the southern rebels and Washington.

De Waal has mentioned that the student wing and regional Islamist cells followed Turabi into opposition following the split. Two other parts of the Islamist infrastructure that joined Turabi virtually *en masse* following the break were the financial cell and the military wing (which continued to exist separately of the Sudanese armed forces even after the 1989 coup which brought the present government to power, and which had previously administered the PDF and *jihad* fighters). Both had always been strictly controlled by Turabi. This military wing formed the core of JEM and the military structures which planned and initiated attacks in Darfur. In November 2003, the Popular Congress admitted that some party members were involved in the Darfur conflict.⁷⁶ In January 2004 Turabi admitted supporting the Darfur insurrection: “We support the cause, no doubt about it... we have relations with some of the leadership.”⁷⁷ In the same month, Turabi admitted that 30 members of his Popular Congress party had been arrested in connection with activities in Darfur.⁷⁸

The influential Egyptian newspaper *al-Ahram* was also explicit in its linking of JEM to extremist Islamism: “JEM is a militant Islamist organisation reputedly linked to the Popular National Congress Party (PNC) of the Sudanese Islamist ideologue and former speaker of the Sudanese parliament Hassan Al-Turabi.”⁷⁹ *Al-Ahram* has also noted Turabi’s involvement in Darfur: “Al-Turabi wields powerful influence among certain segments of Darfur society. Darfur, a traditional Islamist stronghold... The Sudanese government is especially concerned about the involvement of elements sympathetic to Al-Turabi in the Darfur conflict.”⁸⁰

The International Crisis Group has also noted the Darfur war’s Islamist origins: “Darfur’s crisis is also rooted in the disputes that have plagued Sudan’s Islamist movement since it took power in 1989. Following a disagreement with Hassan el-Turabi, the architect and spiritual guide of the Islamist movement, a second split in the ruling Islamist movement had an equally destabilising impact on Darfur. In 2000, Turabi, then speaker of parliament, formed the Popular National Congress (later renamed the Popular Congress, PC) following a fierce power struggle with the ruling National Congress Party. To broaden its base, PC activists reached out to Sudan’s majority but marginalised African population.”⁸¹ These roots have also been commented upon by human rights activists: “The second rebel group is the Justice and Equality Movement (JEM), based mostly on the Zaghawa tribe. It is linked with the radical Popular

Patriotic Congress party led by the veteran Islamist Hassan al-Turabi who has now fallen out with his former NIF disciples... The relationship between JEM and SLM remains one of the obscure points of the Darfur conflict, even if the two organizations claim to be collaborating militarily. The JEM is by far the richer of the two and the one with the greater international media exposure, even if its radical Islamist connections make it an unlikely candidate for fighting a radical Islamist government... The main financial support for the uprising comes... in the case of the JEM, from foreign funds under the control of Hassan al-Turabi. It is the importance of this last financial source that explains the fairly impressive and modern equipment of the rebel forces.”⁸²

De Waal has also written about the split between the Islamists and the Khartoum government: “It was a protracted struggle, over ideology, foreign policy, the constitution and ultimately power itself. Bashir won: in 1999 he dismissed Turabi from his post as speaker of the National Assembly, and later had him arrested. The Islamist coalition was split down the middle... The students and the regional Islamist party cells went into opposition with Turabi, forming the breakaway Popular Congress. Among other things, the dismissal of Turabi gave Bashir the cover he needed to approach the United States, and to engage in a more serious peace process with the SPLA – a process that led to the signing of the peace agreement in Kenya.”⁸³

The International Crisis Group has noted that “the alleged link between JEM (Justice and Equality Movement) and the [Popular Congress] is the most worrisome for [Khartoum], since it fears Turabi is using Darfur as a tool for returning to power in Khartoum at the expense of his former partners in the ruling National Congress Party (NCP).”⁸⁴ It has also further noted that “The belief that the Darfur rebellion has been hijacked by disaffected rival Islamists is a main reason behind the government’s refusal to talk to the rebels, particularly JEM. The personal rivalry between Vice-President Taha and his ex-mentor Turabi for control of the Islamist movement and the country is being played out in Darfur, with civilians as the main victims.”⁸⁵ Dr Richard Cornwell, the Sudan expert at the South African-based Institute of Security Studies, has said that many Sudanese believe that JEM was formed as result of the power struggle between President Bashir and Hasan Turabi: “The Turabi link is very important... there are some people who are of the opinion that Turabi’s supporters in Khartoum and Darfur deliberately manufactured this

crisis with a view of taking power.”⁸⁶ Agence France Presse has concluded that “disgraced Turabi loyalists of Muslim African origin...constitute the core of the JEM’s current leadership...More than a liberation movement, the JEM is seen as an organisation used as a tool by members of the political opposition to destabilise Beshir’s regime.”⁸⁷

The Government of Sudan was initially very reluctant to concede that Dr Turabi and the Popular Congress were intimately involved in the Darfur conflict. In May 2004, however, the then Sudanese Interior Minister, Major-General Abdul-Rahim Mohammed Hussein, admitted the connection: “The Popular Congress is involved in the incidences in Darfur and the JEM is just another face of the Popular Congress.”⁸⁸ In September 2004, the Governor of West Darfur, Suleiman Abdullah Adam, stated that the Justice and Equality Movement was the military wing of the Popular Congress: “The JEM are the military wing of the Popular Congress and, as the military wing of the Popular Congress in Darfur, they try to escalate the situation.”⁸⁹

It is also becoming apparent that the Popular Congress has been using a dual – interconnected – strategy in its attempts to overthrow the Khartoum government. They have used orchestrated events in Darfur to weaken the government domestically and internationally – perhaps even to the extent of foreign military intervention. And they have also attempted, in combination, to mount a military uprising. In March 2004, military officers linked to the Popular Congress attempted a *coup d’état* in Khartoum. The BBC said: “Those detained are also being linked to the uprising in the Darfur region.”⁹⁰ They also planned attacks on oil refineries and power stations.⁹¹ In September 2004 the government also foiled another Popular Congress coup attempt.⁹² Khalil Ibrahim admitted that JEM was involved in organising this attempted coup.⁹³ The Islamist plotters were accused of plotting to assassinate or kidnap government officials and take over strategic installations, including state radio and television.⁹⁴ The government captured a large arms cache “with which the conspirators planned to kidnap and kill 38 government officials and destroy strategic targets in Khartoum”.⁹⁵ The trials of those involved in the coup attempts, including five retired members of the armed forces and a former cabinet minister, began in late 2004.⁹⁶ They were charged with possessing weapons, terrorism, undermining the constitutional system and plotting war. Twenty-one serving members of the armed forces

were charged separately.⁹⁷ The Sudanese government began to move against Islamist extremists.⁹⁸

It is clear that Turabi and Popular Congress deliberately chose Darfur to be the cockpit of their war against Khartoum. They also cold-bloodedly sought to project a racial element on the issue. Popular Congress activists originated and distributed a publication known as “The Black Book” alleging Khartoum’s marginalisation and neglect of Darfur and claiming that Sudan’s political elite was dominated by a northern Arab clique – seemingly the same clique once led by Dr Turabi. *The Financial Times* confirmed that the “Black Book” had been written by Justice and Equality Movement activists. The newspaper also noted that “The appearance of the Black Book did coincide with a deep split in the regime, which has exacerbated tension in society.”⁹⁹ Prunier specifically identified Khalil Ibrahim as the author of the book.¹⁰⁰ Alex de Waal has also commented on the importance of the “Black Book” in subsequent events in Darfur: “The Islamist split quickly took on regional and ethnic dimensions. The west Africans and Darfurians who had come into the Islamist movement under Turabi’s leadership left with him...In May 2000, Darfurian Islamists produced the “Black Book”... The Black Book was a key step in the polarization of the country along politically constructed ‘racial’ rather than religious lines, and it laid the basis for a coalition between Darfur’s radicals, who formed the SLA, and its Islamists, who formed the other rebel organization, the Justice and Equality Movement.”¹⁰¹

Charles Snyder, a former United States Acting Assistant Secretary of State for African Affairs and the State Department’s senior adviser on Sudan, has noted the visceral nature of the intra-Islamist struggle:

The emergence of armed opposition in Darfur has profoundly shaken the government because it poses, in many respects, a greater threat than the activities of the SPLM in the south....Support for the JEM and SLM, however, comes from within the overwhelmingly Muslim population of Darfur; radical Muslim cleric Turabi, who was recently jailed by the current [government of Sudan], has links to the JEM. Moreover, over 50 percent of the Sudanese military is from Darfur, and that region is not far from Khartoum. A successful insurgency in Darfur would fuel potential insurgencies in other parts

of the north. This, I believe, explains why the Government of Sudan has adopted such brutal tactics in Darfur. The GOS is determined to defeat the JEM and SLM at any cost...¹⁰²

The linkage between Darfur's violence and the Popular Congress has an additional dimension. In February 2001, Turabi and the Popular Congress signed a joint memorandum with the SPLA, the southern rebel movement led by Dr John Garang, which called for the "the escalation of popular resistance" against Khartoum. A secret codicil to the Popular Congress/SPLA memorandum was an agreement by the SPLA to train Darfur rebels. The International Crisis Group, an organisation very critical of the Sudanese government, has noted that "numerous sources link the SPLA to the beginning of the SLA rebellion by providing arms, training, and strategy...It allegedly trained as many as 1,500 Darfurians near Raja, in western Bahr el-Ghazal, in March 2002."¹⁰³ These trainees subsequently formed the basis of the Sudan Liberation Army and Justice and Equality Movement. The SPLA clearly maintained their relationship with the Dr Turabi and the Popular Congress, demanding that Turabi be invited to the January 2005 signing of the north-south peace agreement.¹⁰⁴ French academic Prunier has had no hesitation in linking the Darfur insurgency to Turabi, the Popular Congress and the SPLA: "[t]he Turabi faction...had planned the insurrection since perhaps late 2000 or at least early 2001 and it had acted in cooperation with the SPLA."¹⁰⁵ It is also clear that JEM has a national agenda. JEM fighters have been seen on the Sudanese border with Eritrea.¹⁰⁶

In October 2004, the Sudanese government warned that a new armed movement with links to Dr Turabi had emerged in the central Kordofan region of Sudan. Called *Shahama*, this group was headed by Mussa Ali Mohammedin, another member of the Popular Congress. It was said to operate from bases in Bahr al-Ghazal.¹⁰⁷

The intimate involvement of Islamist extremists such as Dr Turabi and his Popular Congress party in the Darfur insurgency has worrying implications for those eager to end the Darfur crisis. It is very difficult, for example, to end a conflict said to be about marginalisation and underdevelopment when at least one of major participants would appear to have a hidden agenda of overthrowing the Government of Sudan and replacing it with a more hard-

line Islamist regime. Building schools and roads and drilling more water wells in Darfur, while doubtlessly useful, is not going to satisfy hard-line Islamist rebels in Darfur any more than reconstruction projects in Iraq have satisfied Islamist insurgents in that country.

External Involvement in the Darfur Conflict

It is additionally clear that the Darfur insurgents have had considerable external assistance. The Sudan Liberation Army, for example, is said to be receiving arms and support from Eritrea.¹⁰⁸ Eritrea has militarily, logistically and politically assisted the Darfur gunmen in its continuing attempts to destabilise Sudan. Khartoum has lodged official complaints about this involvement with the United Nations and African Union.¹⁰⁹ The Sudanese government has also pointed to the agreement signed in the Eritrean capital between Darfur insurgents and elements of the Beja Congress, an armed anti-government group based in Eritrea.¹¹⁰ In addition, Asmara is also hosting Darfur rebel organisations. Eritrean military involvement with the Darfur rebels has also been confirmed by the International Crisis Group.¹¹¹ The Justice and Equality Movement is said to be receiving assistance from Islamist groups and al-Qaeda.¹¹² The Sudan Liberation Army was reported by Agence France Presse to have “weapons, vehicles and modern satellite communications”.¹¹³ The insurgents have also been receiving military supplies by air.¹¹⁴ The rebels are operating in groups of up to 1,000 men in four-wheel drive vehicles.¹¹⁵ The ICG has also noted that Libya has important links to both the SLA and JEM. SLA leader Minni Arkou Minawi and JEM leader Khalil Ibrahim leader were reported to be “close to President Khaddafi and his intelligence apparatus”. Khaddafi’s involvement in Darfur and Sudan dates back to the 1970s, with Libya using Darfur as a staging post for intervention in Chad.¹¹⁶ The Libyans have held several rounds of Darfur consultations and attempts at reconciliation since October 2004.¹¹⁷

It is also worth noting that there have been serious questions about whether or not Justice and Equality Movement fighters are actually Sudanese. A senior Chadian government official has claimed, for example, that up to 85% of JEM was Chadian – something which the International Crisis Group has said is “a widely shared belief among Darfurians as well”.¹¹⁸

The Sudanese government has had grounds to doubt the credibility of their counterparts in the Naivasha peace process, the late Dr John Garang and the Sudan People's Liberation Army. While engaged in peace talks with Khartoum, the SPLA had both trained and helped arm the Darfur rebels. As observed above, the International Crisis Group has noted SPLA involvement in training Darfur rebels. The ICG has also commented on the SPLA involvement with the Darfur rebels: "While the exact ties between the SPLA and the Darfur rebels have not been documented, there appear to be at least important tactical links. The SPLA – which has always recognised that the more rebellion could be extended to the rest of Sudan the better positioned it would be – encouraged the Darfur insurgents as a means to increase pressure on the government to conclude a more favourable peace deal at Naivasha."¹¹⁹ De Waal and Flint note that SPLA influence saw the change of name of the Darfur Liberation Front to the Sudan Liberation Army/Movement. On 16 March 2003, the SLA released its "Political Declaration". As de Waal and Flint note, this manifesto "bears a striking resemblance to the SPLA's vision of a united 'New Sudan'".¹²⁰ De Waal and Flint also record that "the SPLA argued that the Darfurians should not join the Naivasha process. First, they should fight – advised by a senior SPLA commander who was sent to Darfur to coordinate with them."¹²¹ Despite mounting evidence to the contrary, SPLA spokesmen were still claiming as recently as September 2004 that the SPLA "has nothing to do with the present rebellion in Darfur".¹²²

There have also been reports of some degree of American involvement in sustaining the insurgency. Writing in August 2004, veteran Canadian foreign correspondent Eric Margolis noted: "[The] CIA has reportedly supplied arms and money to Darfur's rebels... Washington is using Darfur's rebels, as it did in southern Sudan's thirty-year old insurgency, to destabilize the Khartoum regime, whose policies have been deemed insufficiently pro-American and too Islamic. More important to the increasingly energy-hungry US, Sudan has oil, as well as that other precious commodity, water."¹²³ Disturbingly, some level of American assistance to the Sudan Liberation Army has been documented.¹²⁴ The close involvement in Darfur of the United States Agency for International Development (USAID), led by long-time anti-Sudan activist Roger Winter, provides the continuity for reports of such support. There is no doubt, for example, that USAID has been at the heart of the "talking up"

of possible deaths from the ongoing conflict, and has played a central role in the declaration of “genocide” in Darfur by the United States.¹²⁵

Some rebel leaders have stated that they began their war to secure more resources for Darfur and with one eye on the negotiating process that ended the north-south civil war. The international community, through its close involvement in the negotiations in Kenya, may have also inadvertently played a role in inciting armed insurrection in Darfur in 2003. In their paper “The Hidden Costs of Power-Sharing: Reproducing Insurgent Violence in Africa”, for example, Tull and Mehler argue that “the West’s preferred instrument of conflict resolution – power sharing agreements – turns the rhetoric of conflict prevention on its head in that it inadvertently encourages would-be leaders elsewhere to embark upon the insurgency path.” The institutionalisation of this practice provides political pay-offs for violence.¹²⁶

Darfur: The New Afghanistan?

Any study of the conflict in Darfur can now no longer ignore the involvement of al-Qaeda with the Islamist JEM organisation. There is no doubt that al-Qaeda is deeply interested in Darfur. This would be for several reasons. One is the location of Darfur. American counter-terrorism expert Richard Miniter, in his latest book, *Shadow War: The Untold Story of How Bush is Winning the War on Terror*, has reported that the al-Qaeda network has for some time been establishing itself in the Sahel area, an area which is made up of Niger, Mali, Chad and Sudan.¹²⁷ Dozens of al-Qaeda terrorists were killed in Chad in 2004.¹²⁸ Miniter states that al-Qaeda involvement in Darfur “dovetails with other reports from North Africa. The desert wastes have become al-Qaeda’s latest battleground.”¹²⁹ There is no doubt that al-Qaeda is already seeking to turn parts of the Sahel – and in this case Darfur – into the next Afghanistan.¹³⁰ There are many all-too-familiar ingredients. Darfur’s physical inaccessibility, its Islamist heritage, its proximity to several failed or semi-failed states, porous borders, and its inaccessibility to western intelligence services make it a very attractive location to hide in and from which to attack.

Mr Tom Vraalsen, the UN secretary-general’s special envoy for humanitarian affairs for Sudan, has pointed out some of the regional implications of the Darfur conflict: “A continuation of the problems in Darfur

could have serious political repercussions in the sense that it could destabilize the area along the Chad-Sudan border and it could have repercussions also regionally if it continues. It has to be brought to an end.”¹³¹ Dr Ali Ali-Dinar, a Darfurian critic of the government, has made the simple point that “Peace in Darfur is necessary for stabilising the surrounding regions which include southern Sudan, Chad, and Central African Republic and to prevent the conflict spreading. The future of the region is at stake.”¹³² This is also precisely why ultra Islamist groups such as al-Qaeda would be interested in a continuing cycle of violence in Darfur.

And as with Afghanistan – and Iraq for that matter – any Western military intervention in Darfur would serve as a rallying point for Islamist extremists, both within and outside of Darfur and Sudan. Darfur in any instance is fertile ground for militant Islamic groups such as al-Qaeda and JEM. *Al-Ahram*, for example, has described Darfur as a “traditional Islamist stronghold”.¹³³ It was from the Fur and *Baggara* that Muhammad Ahmed, the “Mahdi”, drew the fundamentalist shock troops that crushed Egyptian rule in Sudan and held the British Empire at bay for ten years up till 1898, as noted by Margolis:

One of the Islamic World’s first anti-colonial movements, known in the west as the Dervishes, burst from the wastes of Darfur in the 1880s. Led by the fiery ‘Mahdi’, the Dervishes drove the British imperialists from the Sudan, and event immortalized in the splendid Victorian novel, ‘Four Feathers.’ The Dervishes took Khartoum, slaying Britain’s proconsul, Sir Charles ‘Chinese’ Gordon.¹³⁴

And, in Dr Turabi’s close involvement with JEM, there is already a clear al-Qaeda link. Knight-Ridder Africa editor Sudarsan Raghavan described Turabi as “preaching a strict brand of Islam that made Sudan a haven for extremists such as bin Laden, whom Turabi once called a hero”.¹³⁵ That Bin Laden and Turabi are close is undisputed. Richard Clarke, the Clinton Administration’s anti-terrorism supremo, described Turabi as a “soul mate” of Osama bin Laden who shared his “vision of a worldwide struggle to establish a pure Caliphate”.¹³⁶ Bin Laden is also reportedly married to Turabi’s niece.¹³⁷ Many of those members of the military wing of the Popular Congress now involved with JEM trained with al-Qaeda members in the 1990s. Minter states

that al-Qaeda instructors, including specialists in guerrilla and urban warfare and logistics, have been involved in training Justice and Equality insurgents in Darfur. *Al-Ahram* has already noted connections: “JEM also is suspected of having links with several militant Islamist groups in Africa and around the world.”¹³⁸ It is also worth noting that amongst the rebels there is a self-styled “Tora Bora” militia – named after the Afghan mountain range in which Osama bin Laden, al-Qaeda and the Taliban fought one of their last battles, and from which bin Laden escaped American capture.¹³⁹

In another analogy with Afghanistan, blind western support for the Darfur rebels, and especially JEM – for whatever short-term political reasons – runs the risk of repeating the mistake of building up Islamist fundamentalist forces which then themselves pose national and regional threats to western interests. Providing Afghan and Arab fundamentalists, amongst them a young Osama bin-Laden, with hundreds of millions of dollars worth of military and logistical support in the 1980s has been seen as a tactical error which led to the birth of the modern international terrorist movement we see today.

The possible al-Qaeda-Darfur connection is of concern to the United Nations. The Irish newspaper *The Sunday Tribune* reported in December that “[t]he threat of al-Qaeda opening another front against western aid organisations and personnel in Darfur is real, according to UN officials in Sudan”. A senior UN official noted that Darfur rebels had already made a specific threat to aid workers. According to *The Sunday Tribune*: “It fitted the pattern of violence against western aid organisations and personnel in Afghanistan and Iraq.”¹⁴⁰ The fundamentalist involvement has been poorly reported, but some details have emerged. In July 2004, for example, a Saudi national said to have been “preaching holy war” within a refugee camp in Chad was arrested. There had been violent scenes at the camp in which two refugees had been shot dead by local security forces. Arms caches had also been seized in the camp.¹⁴¹

It is worth noting that the pattern of terrorism in Darfur has echoed al-Qaeda and Islamist tactics in Iraq, especially with regard to attacks on policemen and police stations.¹⁴² Over 685 policemen have been murdered, and hundreds more wounded, in terrorist attacks on policemen in Darfur. These attacks continued. The United Nations Secretary-General noted in his October 2004 report to the Security Council, for example, that Darfur rebels had attacked a

police station in Medo, in North Darfur, on 12 September 2004 and that “further SLA attacks on police posts were reported on 14, 15, 17, 18, 19 and 22 September. Further SLA attacks on police in Ghubayash village, Western Kordofan, in the last week of September indicates that these violations may not remain confined to Darfur.”¹⁴³ The Secretary-General’s November report noted the “SLA reportedly attacked police posts nine times in October, killing at least nine policemen.”¹⁴⁴ European Union military observers mission have confirmed rebel attacks on policemen in Darfur: “The SLA has been attacking continuously police stations.”¹⁴⁵ These are just a few examples of UN reports of attacks on policemen in Darfur. The African Union has also confirmed that “innocent policemen” have been the “major victims” of the rebels.¹⁴⁶ Knight-Ridder has also confirmed rebel attacks on police stations.¹⁴⁷ Human Rights Watch has reported: “Rebels have attacked many police stations and posts in Darfur.”¹⁴⁸ These attacks are of deep concern for at least two reasons. Firstly, as agreed with the United Nations, and outlined in the joint government-UN action plan, the deployment of police forces within Darfur was to protect displaced people and displaced peoples’ camps from attack by criminal elements, Janjaweed or otherwise. Attacks on police stations, therefore, fuel civilian insecurity in the region. Secondly, Darfur rebel attacks on policemen have not only mirrored attacks in Iraq, but have also been part of a pattern of similar attacks on police stations within the Sahel. Almost identical sorts of attacks to those in Iraq and Darfur have occurred as far apart as northern Nigeria and Liberia.¹⁴⁹ This pattern of attacks also begs a simple question. Why is the murder of hundreds of poorly armed policemen in Iraq deemed to be terrorism by the United States – with all the consequences of that definition – while the murder of hundreds of poorly armed policemen in Darfur appears not to be terrorism by the American government? Disturbingly, it would seem that the United States is actually helping to fund some of the activities of the very gunmen involved in killing the policemen – gunmen who if not themselves Islamist extremists are nevertheless closely allied with the Justice and Equality Movement.¹⁵⁰

The involvement of foreign governments, such as Eritrea, and foreign terrorist networks, in encouraging the destabilisation of Darfur, and their support for, and arming of, insurgents is very serious. Any attempts to stop the war by seeking to address any marginalisation or underdevelopment – if

that was ever the motivation for the violence – will cut no ice with these forces.

The danger of calls for international military intervention in Darfur should also be obvious. Veteran British journalist Simon Jenkins has noted that “A Western military presence would give the Janjawid exactly the pretext it wants to present itself as African’s new Mujahidin. ‘We will attack any foreigners,’ one of its leaders is reported as saying. ‘We refuse to be like Iraq – surrendered, confused and occupied.’”¹⁵¹ Even southern Sudanese opponents of the government have warned about any Western military intervention. Bona Malwal a veteran Sudanese politician and southern Sudanese leader, has cautioned: “If a foreign military intervention takes place in Darfur, it will not be confined to Darfur. Darfur is part of Sudan. All the Sudanese should oppose any foreign military intervention in their internal affairs. Such foreign military interventions by power states coming from so far away to impose their own solutions on our problems have serious repercussion that are far reaching, not only for the people of Sudan as a whole, but for the continent of Africa as well.”¹⁵²

Propaganda and Sensationalism within the Darfur Crisis

To address the Darfur crisis it is essential that events in Darfur are evaluated as objectively as possible. To do so observers must cut away the pressure group politics (especially within the United States), war-related propaganda and media sensationalism that has already distorted perceptions of the Darfur crisis and Sudan.¹⁵³ The government has stated that: “Those with their own agendas are trying to give a very sad view of what is happening. The propaganda in the West is trying to exaggerate what is taking place in Darfur.”¹⁵⁴ That the Darfur issue has been enmeshed at least in part in propaganda images and claims is clear. It would be naïve not to factor such a dimension into any study of the crisis. There have been allegations of genocide, ethnic cleansing and the use of chemical weapons in Darfur. Recent claims, for example, of the use of chemical weapons in the region have unravelled. A prominent conservative German newspaper, *Die Welt*, alleged that the Syrian and Sudanese governments had used chemical weapons against civilians in Darfur.¹⁵⁵ This claim, although exposed as misinformation, was widely repeated and serves as a further illustration of the propaganda war surrounding Darfur.¹⁵⁶ Similarly

sensationalistic claims, while serving any number of short-term political goals, complicate and distort an already complex issue.

Much of the propaganda which has come out of the Darfur conflict has emanated from the rebels. Rebel claims across the board have proved to be questionable. As we have seen, rebel claims to be fighting against marginalisation have been contradicted by reputable sources such as Ghazi Suleiman. In November 2004, for example, the SLA initially denied any involvement in the November attacks in north Darfur, claiming that Khartoum's claims were "totally erroneous".¹⁵⁷ The international community was in a position to verify the rebels' complicity and the UN, USA, Britain and others roundly condemned the attacks, stating they had once again clearly violated the cease-fire agreement.¹⁵⁸ Even day-to-day assertions such as the SLA's January 2004 claim to have shot down three Apache helicopter gunships have shown their unreliability.¹⁵⁹ That Khartoum had a fleet of Apache attack helicopters would have come as news to the American government who have strictly controlled purchases of the Apache helicopter: Apaches have not yet even been fully deployed by the British army. The *Die Welt* "chemical weapons" propaganda story outlined above was sourced back to the SLA.¹⁶⁰

The Sudan Liberation Army has also appeared to contradict themselves on critical issues at critical times. At the end of November, SLA spokesman Mahjoub Husayn declared that the movement was ending its truce with the Sudanese government: "Agreements on a cessation of hostilities signed in Ndjamena, Chad, last year and a security protocol in Abuja, Nigeria, signed earlier this month [are] null and void."¹⁶¹ A day later, SLA leader Abd al-Walid Mohamed al-Nur contradicted his spokesman, claiming that "The SLM is committed to fully respect the truce and all the agreements reached since the 2004 ceasefire." He stated that "What the spokesman for the SLM said about considering the agreements we have signed as null and void is not true."¹⁶²

Any solution to the Darfur crisis has to cut through the propaganda wall that is inevitably in place and move on. It is useful therefore to assess some of the major allegations that have been made with regard to events in Darfur.

Chapter Two

THE DARFUR PEACE PROCESS

There has been a breakdown in negotiations because of unacceptable rebel demands. The talks have been suspended: it's a failure.

Chadian Government Peace Mediator, December 2003 ¹⁶³

The SLA started this war, and now they and Justice and Equality Movement are doing everything possible to keep it going.

American State Department Official, October 2004 ¹⁶⁴

The rebels came with preconditions from the start of this meeting, only to scupper any talks.

Peace Talks Mediator, January 2005 ¹⁶⁵

The need to find a peaceful solution to the horrendous war in Darfur is painfully self-evident. The peace process that has unfolded over the past two years has, however, been a difficult one. The Government of Sudan has repeatedly declared its commitment to a peaceful solution to the crisis.¹⁶⁶ On the eve of signing the historic January 2005 Comprehensive Peace Agreement ending Sudan's long-running north-south conflict, President Bashir reiterated his commitment to attaining a settlement of the war in Darfur.¹⁶⁷ This was echoed by the head of the government's negotiating team, agriculture minister Dr Majzoub al-Khalifa, who stated that the government would carry on negotiating until there was a final peace deal.¹⁶⁸ The new government of national unity in Sudan, formed in September 2005 and bringing together Sudan's former north-south combatants, restated its commitment to peace talks.¹⁶⁹ The government announced in January 2005 that Vice-President Ali Osman Mohamed Taha,

the man who negotiated an end to the long-running war in the south, would be focusing on the Darfur crisis.¹⁷⁰ Vice-President Taha has stated that the conflict should be easier to resolve than the north-south war.¹⁷¹ The government has also involved northern opposition parties, including the National Democratic Alliance, in the search for peace.¹⁷² The war was not of Khartoum's making and it is abundantly clear that the Sudanese government has the most to lose in any continued conflict.

Sudan has welcomed the close involvement of both the African Union and Chad as mediators, and has also agreed and urged the deployment of thousands of African Union peace-keeping forces.¹⁷³ The African Union has committed itself to attaining peace in Darfur. In January 2005, the chairman of the African Union, Nigerian president Olusegun Obasanjo, stated: "I want to give you one assurance on behalf of Nigeria and the AU. We will not rest until there is peace and perfect peace in Darfur and in the whole of Sudan."¹⁷⁴

As early as 2002, the government sought to address any nascent problems within Darfur. Following the declaration of the Darfur Liberation Front (which subsequently became the Sudan Liberation Army) the government convened a conference of the Fur tribe from 16-22 August 2002 to address local problems in the Nairtati area; it convened a conference of 60 tribes from 11-13 September 2002 with regard to issues within the Jebel Marra area; in October and December 2002, the government sent delegations of Fur tribal leaders to address issues with rebels in the Jebel Marra; in November and December 2002, the government had meetings with members of the armed opposition in al-Fasher; in February 2003, it convened a general meeting of Darfur tribes in al-Fasher, a meeting attended by over one thousand Darfurian leaders¹⁷⁵; in February and March 2003, the government sent three delegations of the Fur, Zaghawa and Arab tribes to meet with rebel leaders in the Jebel Marra, Dar Zaghawa and Jibal Kargu to address their grievances. A government delegation made up of the federal Minister of Education and the governor of Nile State, leading Darfurian politicians, together with 31 other Darfurian leaders from various tribes, spent a month in talks with the rebels in Darfur. No agreement was reached.

Large-scale rebel attacks throughout Darfur followed in the wake of these attempts to negotiate any grievances opposition groups may have had.

Government attempts to end the violence continued. Sudanese Vice-President Ali Osman Taha also had meetings with veteran Darfurian opposition

leader Ahmed Ibrahim Diraiige with a view to an immediate ceasefire.¹⁷⁶ Vice-President Taha and Mr Diraiige agreed that the proper way to settle the conflict is through “dialogue”.¹⁷⁷ The then Sudanese interior minister’s January 2004 commitment to peace talks was typical: “Whenever (the rebels) are ready to talk, we are ready to talk to them. We have no conditions at all.”¹⁷⁸ It is also clear that the government appears to have had no reservations about negotiating with any rebel organisations, including those movements that have been formed more recently. This has included peace talks with a third force calling itself the National Movement for Reform and Development (NMRD).¹⁷⁹ NMRD came into being in 2004, when a group of rebels, led by Nourene Manawi Bartcham, broke away from JEM because of a disagreement over the influence of the Popular Congress and Dr Turabi over the rebel movement.¹⁸⁰

In 2003, the Chadian government, parts of which are drawn from the Zaghawa tribe, offered to mediate between the government and rebels. The Sudanese government welcomed and has continued to welcome ongoing Chadian mediation in the conflict.¹⁸¹ The government of Chad was instrumental in negotiating ceasefires in western Sudan in September 2003 and earlier. It has been a challenging task. On 3 September 2003, however, as the result of indirect talks hosted by President Déby, the Sudanese government and rebels signed a six-week ceasefire in Abeche, Chad. On 17 September, the government and the SLA signed an agreement allowing “free and unimpeded” humanitarian access within Darfur. The government and rebels agreed to a tripartite ceasefire monitoring commission made up of five members from both sides and five Chadian military officials. In subsequent Chadian-brokered peace talks, the rebels proved to be intransigent. Chadian Government mediators declared in December 2003, for example, that the rebels had stalled peace talks: “There has been a breakdown in negotiations because of unacceptable rebel demands. The talks have been suspended: it’s a failure.”¹⁸² Chad’s president called rebel demands “unacceptable”.¹⁸³ In what was seen as a deliberate attempt to derail the peace talks, the SLA demanded military control of the region during a transitional period, 13 percent of all Sudan’s oil earnings and SLA autonomy in administering Darfur.¹⁸⁴ It was claimed that Islamic fundamentalist opponents of the Sudanese government had been instrumental in sabotaging these negotiations.¹⁸⁵ The government named senior Popular Congress members

Hassan Ibrahim, Suleiman Jamous, Abubakr Hamid and Ahmed Keir Jebreel as having been responsible.¹⁸⁶ JEM had hitherto displayed a stop-start attitude to joining mediated peace talks.¹⁸⁷

In March 2004, the Government of Sudan reaffirmed its commitment to a just and peaceful solution to the conflict in Darfur through consensus: “Through political dialogue a final agreement can be reached in the region.”¹⁸⁸ Sudan’s deputy foreign minister al-Tigani Salih Fidhail said his government was willing to take part in a conference Chad has reportedly offered to host between Khartoum and the Darfur rebels: “We are ready to negotiate peace with any party but we reject any preconditions.”¹⁸⁹

The April 2004 Humanitarian Ceasefire Agreement on the Darfur Conflict

On 8 April 2004, in Ndjamena, the Government of Sudan and both rebel movements signed a Humanitarian Ceasefire Agreement on the Darfur Conflict and a Protocol on the Establishment of Humanitarian Assistance in Darfur.¹⁹⁰ Ahmad Alammi, the spokesman of the Chadian mediation team, noted: “The humanitarian ceasefire was a priority, but at the same time it includes political clauses.”¹⁹¹ Under the Ceasefire Agreement, the parties agreed, amongst other things, to: cease hostilities and proclaim a cease-fire for a period of 45 days automatically renewable, unless opposed by one of the parties; establish a Joint Commission and a Ceasefire Commission, with the participation of the international community, including the African Union; free all prisoners of war and all other persons detained because of the armed conflict in Darfur; facilitate the delivery of humanitarian assistance and the creation of conditions conducive to the delivery of emergency relief to the displaced persons and other civilians victims of war, in accordance with the Protocol on the Establishment of Humanitarian Assistance in Darfur, referred to above. The parties also agreed to: combine their efforts in order to establish a global and definite peace in Darfur; meet at a later stage within the framework of a conference of all the representatives of Darfur to agree on a global and definite settlement of the problems of their region, especially concerning its socio-economic development; contribute to create an environment conducive to negotiation and stop hostile media campaigns.

Sudan welcomed the decision by the African Union to send monitoring teams to follow up implementation of the ceasefire agreement between the government and the armed groups in Darfur.¹⁹² The AU's commissioner for peace and security, Said Djinnit, said: "Nigeria, Ghana, Senegal and Namibia have agreed to send military officers to be deployed as observers in Darfur. They will be on the ground as soon as possible."¹⁹³

Almost immediately, SLA spokesmen stated that they would not honour the ceasefire and would not attend peace talks aimed at establishing the envisaged joint ceasefire monitoring commission. On 17 April 2004, however, Reuters reported that they had changed their minds and would go after all: "Rebels from western Sudan said on Friday they would go to peace talks and had not threatened to withdraw from a ceasefire, adding that previous reports to the contrary were incorrect... Earlier on Friday SLM/A spokesman Musa Hamid al-Doa said the Justice and Equality Movement (JEM) would not go to the peace talks and would not abide by a ceasefire in effect since Sunday... But Al-Doa later said he had been given misleading information and another spokesman retracted his comments." Mohammed Mursal, a spokesman for the SLA secretary-general, stated: "No officially sanctioned statements were made by the Sudan Liberation Movement/Army (SLM/A) to imply that we would not abide by the ceasefire or not go to Addis Ababa or Chad." Reuters reported that "Analysts say there is infighting in the SLM/A's leadership with a power struggle between prominent figures in the armed and political wings. Mursal said there would be an internal investigation to establish what had led to the confusion."¹⁹⁴

The International Crisis Group documented some of the rebel splits during the April 2004 peace talks: "The presence in N'djamena of exiled political activist Sharif Harir as a coordinator for the SLA team was a precursor of some of these internal tensions. He apparently sidelined SLA chairman Abdel Wahid... A similar split occurred in JEM. Hassan Khames Juru, a self-proclaimed political coordinator, announced the dismissal of the JEM president, Khalil Ibrahim, his brother Jibril, the general secretary, Mohamed Bechir Ahmed, and the coordinator, Abubakar Hamid Nour, who had led JEM negotiators at the ceasefire talks. JEM's military spokesman, Colonel Abdalla Abdel Karim, quickly denounced the statement and said Juru represented only himself."¹⁹⁵ The International Crisis Group also noted the results of these

splits: “Confusion reigned among the rebels at the political talks in late April [2004], with the two groups eventually repudiating the deal their delegations accepted. The mixed signals are indicative of serious infighting between the military and political wings...The SLA sought to settle some of these differences in prolonged consultations between its chairman, Abdel Wahid Mohamed Nour, and its military coordinator, Minni Arkou Minawi. JEM, reflecting the strong position of its political leader, Khalil Ibrahim, took a different approach, firing dissident commanders and political cadres deemed disloyal.”¹⁹⁶ In April 2004, for example, Khalil Ibrahim dismissed the movement’s second-in-command, Jibril Abdel Karim Bare.

The two rebel groups have rejected government proposals for round-table conferences on Darfur – despite having agreed on 19 April 2004 to attend a peace and development conference in Khartoum for all Darfur leaders, including the rebels, to be chaired by Idriss Déby, the Chadian president. A 130-strong preparatory committee were planning for some 1,700 delegates. The JEM leader stated: “We will not participate in this conference nor do we recognise it.”

In late April 2004 the rebels declared once again they would not participate in the ceasefire talks in Addis Ababa or the political negotiations in Ndjamena. Reuters reported that Darfur rebels were unlikely to attend peace talks to end the fighting in Darfur. The SLA had said “it would not attend the political talks due to reconvene on April 24 in Chad, adding it wanted Eritrea to mediate instead of [Chadian] President Idriss Debby [sic].” Reuters noted that “Sudan has poor relations with Eritrea”. Reuters also quoted JEM leader Khalil Ibrahim: “I don’t think we are going to Chad. The Chadian President should not chair any meeting nor any of his executives.”¹⁹⁷ Even the hitherto rebel-friendly United States warned the rebels against boycotting the talks aimed at creating a commission to monitor the Darfur ceasefire. A State Department spokesperson stated: “The United States expects the parties...to actively engage in the planning and implementation of the ceasefire monitoring team. Failure of any party to fully participate in this crucial part of the ceasefire agreement is a clear statement of bad faith and will affect our relationship with them.”¹⁹⁸

In late April 2004, al-Haj Atta al-Manan, secretary of the ruling National Congress party in Khartoum state, and a former governor of South Darfur, revealed that he had led a government delegation that held secret discussions

with the exiled JEM leadership in Paris in late March. The joint statement that came out of that meeting spoke of a peaceful solution as the preferred way to settle the crisis.¹⁹⁹

In early May 2004 Chadian peace mediators reported that the government had complained at rebel violations of the ceasefire, citing government claims that “The rebels are looting and threatening civilians”. The complaint also accused rebels of livestock rustling, a particularly provocative action in western Sudan.²⁰⁰ By late May 2004, the Government stated that there had been 26 rebel violations of the cease-fire in West Darfur alone. On 24 May the governor of South Darfur state said that there had been several rebel attacks on villages and civilians. He cited attacks on Abgaragil village, 50 kilometres south of the state capital of Nyala: “The outlaws attacked this area, looting and burning down the village, and when our forces arrived to the area they were already gone.” He also said that on 18 May rebels had also attacked Labarwa village, about 60 kilometres northeast of Nyala and kidnapped 28 civilians. He stated that most rebel attacks and violations were along roads from Nyala to other key provincial towns, particularly Dyeing and Buram to the south: “The outlaws in high-speed cars will attack an area, and when we arrive they are gone.”²⁰¹

To work out logistical details for the ceasefire monitoring commission, the AU sent a reconnaissance mission to Darfur and Chad, from 7 to 13 May 2004. It was made up of representatives from the UN, EU, US and France. On 22 May, the SLA rejected AU proposals to meet with the government and finalise the formation of a ceasefire commission, claiming that Ethiopia was too closely aligned to the Sudanese government.²⁰²

The eventual establishment of the African Union Mission in Sudan (AMIS) as part of the ceasefire protocol is of critical importance to efforts to end the crisis. AMIS is headed by the Special Representative of the Chairperson of the Commission of the African Union (SRRC), Ambassador Baba Gana Kingibe. There are also two deputy special representatives, one based in Khartoum and one in al-Fashir. The Deputy SRRC in al-Fashir normally chairs the Ceasefire Commission (CFC). AMIS is made up of a Joint Commission and the Ceasefire Commission. AMIS was authorised by a meeting on 25 May 2004 of the African Union’s Peace and Security Council. This meeting sanctioned the deployment of an AU observer mission and a protection force to support the work of the ceasefire commission.

On 28 May the government and rebels signed an *Agreement on the Modalities for the Establishment of the CFC and the Deployment of Observers in Darfur*, creating a joint ceasefire commission along with arrangements for international observers. The Ceasefire Commission was to be chaired by the AU, the international community (represented by the European Union) as the deputy chairman, Chadian mediators, the Government of Sudan, JEM and SLA. The CFC reports to the Joint Commission, which is made up of two senior members each from the Parties, the Chadian government, the AU, USA and EU. The operational arm of the CFC is the AU Monitoring Mission, made up of observers from the Parties, Chad, AU member states and other members of the international community.²⁰³ On 4 June 2004, the African Union and other international observers finalised an agreement with the government setting out the terms of the ceasefire observer mission agreed in the April ceasefire protocol. The agreement set out the relationship between Khartoum and the ceasefire committee in Darfur and which gives the observers free entry into Sudan and free movement inside the country. In total, an initial group of 120 observers from the AU, the European Union, the United States, the Sudanese government, the two rebel groups in Darfur and the mediation team from neighbouring Chad was to be deployed in the region.²⁰⁴ On 9 June 2004, the African Union established a headquarters in al-Fasher from which to monitor the ceasefire, and from which to deploy these military observers.²⁰⁵ The CFC became fully operational on 19 June.

An AU meeting held on 20 October 2004 decided to strengthen AMIS with a renewable one year period with the following mandate: to monitor and observe compliance with the humanitarian ceasefire agreement; to assist in confidence building between the Parties; and to contribute to a secure environment for the delivery of humanitarian relief and the return of IDPs and refugees. An AMIS strength of 6,171 military personnel and some 1,560 civilian police personnel was agreed. AMIS units were drawn from Nigerian, Rwandan, Senegalese, Gambian, Chadian, Kenyan and South African soldiers.

During a June 2004 summit of nine African presidents and government officials attending a Common Market for Eastern and Southern Africa summit in Kampala, the Sudanese president restated his desire to end the conflict in Darfur: "We are committed and determined to resolving the current conflict in Darfur in western Sudan."²⁰⁶ Government attempts to reach a peaceful

solution included both domestic and international efforts. In mid-June 2004, for example, the government outlined plans for the convening of a National Conference for Development and Peaceful Co-existence in Darfur to be held in Khartoum aimed at addressing issues of concern and reaching a peaceful solution for the Darfur issues.²⁰⁷ And a week later the government continued with international efforts. Sudanese government peace negotiators left for peace talks with the representatives of Darfur rebels in Berlin.²⁰⁸ Shortly afterwards peace negotiators led by Sudan's deputy Humanitarian Affairs Minister, Mohammed Yusif Abdallah, travelled to France for peace talks with representatives of JEM.²⁰⁹

In early July 2004, both the SLA and JEM stated that they would not attend further peace talks in Chad. A SLA leader said: "We do not want Chad to mediate for the political issues because they were not fair in the humanitarian talks."²¹⁰ The president of the African Union, Alpha Oumar Konare, announced that the first round of AU-mediated political negotiations between the warring parties to try to end the crisis were to begin in mid-July in Addis Ababa: "The problem with Darfur is political, its solution is political, hence the necessity for the parties to quickly begin political negotiations...on July 15 in Addis Ababa. We hope that all the parties are properly represented".²¹¹ The Justice and Equality Movement declared, however, that it would not be joining political negotiations in the Addis Ababa aimed at ending the crisis: "These negotiations are coming too quickly." It is worth noting that the United Nations placed on record a renewal of attacks on humanitarian convoys in Darfur by gunmen from this date onwards.²¹² The rebels' commitment in any instance to talks in July was questionable. Al-Jazeera reported: "AU officials who struggled for three days to convene a rebel-government meeting said their task had never looked very promising because Darfur's top rebel leaders had chosen instead to attend a Sudanese opposition conference held in Eritrea."²¹³

Rebel attacks on humanitarian aid personnel continued. In the first week of July 2004, the SLA attacked 26 aid workers, working for Save the Children UK, delivering emergency assistance in northern Darfur. They also stole six vehicles. On 13 July, the British government urged Sudanese rebels to return the stolen vehicles.²¹⁴ Rebels also attacked a relief convoy near Orishi in North Darfur, murdering nine civilians and several policemen. They also attacked another aid convoy north of al-Fasher, killing four truck drivers. Rebels also

abducted Abass Daw Albeit, the traditional leader of all the tribes of eastern Darfur.²¹⁵

In early August the African Union announced that the Sudanese government had agreed to an increase in peacekeeping forces and monitors in Darfur from 300 to 2,000 soldiers.²¹⁶

The second round of African Union-sponsored inter-Sudanese peace talks was held in Abuja, Nigeria, from 23 August to 17 September 2004. The government declared: "Our concern is to find a quick peaceful solution to all the unresolved questions."²¹⁷ The Nigerian President, Olusegun Obasanjo, hailed the adoption by both sides of a broad agenda of humanitarian, security and political issues as a "first step in the right direction". The negotiations were almost immediately deadlocked when the Darfur rebel groups backtracked on the previously agreed agenda. Abd al-Wahid Mohamed al-Nur, leader of the Sudan Liberation Army, stated: "We in the movement reject this agenda completely." The rebels' move was described by mediators as a "blow to the African Union". The leader of the Sudanese government delegation, Dr Majzoub al-Khalifa, reiterated that "We adopted this agenda in front of President Obasanjo and AU and UN representatives this morning, and we are good to our word. We are very keen to continue these negotiations." The Sudanese government also accused the rebels of several breaches of the existing ceasefire agreement, including an attack in which four Sudanese humanitarian workers and two journalists were kidnapped. The government spokesman Ibrahim Mohammed Ibrahim stated: "Despite all that, we will continue to participate in these negotiations with the same spirit. Hopefully there will be an agreement between us and the rebel groups."²¹⁸ The agenda, made up of the following items – humanitarian issues, security issues, political issues and socio-economic issues – was eventually agreed. On day three of the talks, the Sudanese government agreed to accept a larger African Union peacekeeping force in Darfur if the troops were used to contain and demobilise rebel forces. The African Union had suggested the supervised cantonment of rebel and government forces as a step towards a peaceful solution to the crisis.²¹⁹ Rebel leaders subsequently refused to discuss the issue of cantonment. The JEM spokesman stated: "We insist that this point be taken off the agenda."²²⁰

Rebel intransigence was being increasingly noted. *The New York Times'* Scott Anderson observed in late 2004: "In recent months, the SLA has

repeatedly stalled peace talks being brokered by the African Union by setting unrealistic preconditions or quibbling over such details as where the talks should be held; for its part the Justice and Equality Movement faction had, until recently, boycotted the talks altogether.” Anderson cited an American diplomat: “The first notion anyone’s got to disabuse themselves of is that there are any good guys in this. There aren’t. The S.L.A. started this war, and now they and Justice and Equality Movement are doing everything possible to keep it going.”²²¹

In August 2004, American journalist Sam Dealey pointed to possible reasons for apparent rebel indifference to peace talks: “The international community may wish to restrain from setting early deadlines for intervention. Such deadlines only encourage rebel intransigence in pursuing peace deals, as last month’s unsuccessful talks in Ethiopia proved. With outside action threatened, there is little incentive for the rebels to negotiate a lasting cease-fire.”²²² This was a general point also raised by the Sudanese foreign minister during his September 2004 address to the United Nations general assembly.²²³

The talks nevertheless ended with the agreeing of a *Protocol on the Improvement of the Humanitarian Situation in Darfur* which addressed the issue of free movement and access for humanitarian workers and assistance as well as the protection of civilians. Sudan agreed to the deployment of more than 3,000 AU peacekeeping troops in Darfur.²²⁴ The parties also agreed the establishment of a Joint Humanitarian Facilitation and Monitoring Unit – based in al-Fasher – to ensure a more effective monitoring of the commitments they had entered into. It was also agreed to request the UN High Commission for Human Rights to expand the number of its human rights monitors in Darfur.

In the lead-up to the next rounds of talks the rebels intensified their attacks in Darfur, attacks which severely impeded the delivery of emergency aid to Darfur. In October 2004, the UN confirmed rebel responsibility for attacks in Darfur, quoting the UN’s Envoy to Sudan: “Mr Pronk said rebel groups – the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) – were responsible for much of the recent violence, which is restricting humanitarian access to many areas within Darfur, a vast and desolate region in western Sudan.”²²⁵

The third round of African Union-mediated Darfur peace talks was held in Abuja from 21 October to 9 November 2004. Despite the urgent and

immediate ongoing humanitarian crisis, the rebels refused to discuss humanitarian issues. A JEM leader said: “The government is insisting on discussing the humanitarian issue. It only wants to waste time and avoid the real issue on ground.”²²⁶ The rebels also stalled the peace talks because of the African Union’s seating plans, stating they did not wish to sit near the government negotiators. Abubakr Hamid, the coordinator of the joint JEM/SLA team, declared: “We are not going to participate. . .because they are trying to force us to sit with government delegates.”²²⁷ He added: “We’d rather the African Union appoints two separate teams to negotiate with the two groups.”²²⁸

When the rebels returned to the negotiations, having agreed to sit with the government, they then continued to refuse to sign a humanitarian aid agreement essential for the provision of relief to those affected by the war. A European diplomat said: “We’ve told the rebels that for them to be seen as blocking the signature of the humanitarian protocol is not very good. . .The rebels should not take the international community for granted. They think they have all the international sympathies, but if they are seen as the ones who are stalling they will have to pay a price.”²²⁹ The second round of AU-sponsored talks had focused on the humanitarian crisis but the rebels refused to sign new humanitarian arrangements. JEM’s Haroun Abdulhameed said that the rebels would focus only on power-sharing: “We are not going to harp on humanitarian issues. There is no need for that. . .The government in insisting on discussing the humanitarian issue only wants to waste time. . .” The Sudan Liberation Army spokesman stated: “We must tackle the political issue above everything if we are to make any progress. . .”²³⁰

After considerable time invested in mediation, this round of talks resulted in the signing of a *Protocol on the Enhancement of the Security Situation in Darfur* and the signing of the *Protocol on the Improvement of the Humanitarian Situation in Darfur*, as discussed and agreed at the previous round of talks on 9 November 2004. The government and rebels agreed to renew a cessation of hostilities and, for the first time, the government agreed to renounce “hostile” military flights over Darfur, except in cases of self-defence.²³¹ The two sides had also initiated discussion on a draft Declaration of Principles which would constitute the basis for a just, comprehensive and durable settlement of the conflict.²³²

In early November 2004, in an official report, the UN Envoy to Sudan pointed to deliberate attempts by the rebel movement to provoke government responses: “Some commanders provoke their adversaries by stealing, hijacking and killing.”²³³ In November, the Sudanese government attacked the United Nations for not highlighting rebel involvement in attacks and human rights abuses, while focusing undue attention on the government. The humanitarian affairs minister, Ibrahim Hamid, said the international community must pressure rebel groups, and not the government alone, to end the Darfur conflict: “The silence of the United Nations and its reluctance to denounce the rebels and exercise pressure on them has encouraged the rebels to go on with their violations and spur insecurity. We believe...the international community should exercise pressure on the rebels instead of seeking to condemn the government over minor issues.”²³⁴

The SLA's November 2004 Violation of the Peace Accords

Despite having signed the Abuja ceasefire protocols on 9 November, less than two weeks later the SLA mounted several systematic attacks on police and civilians in Darfur. The African Union noted that “in late November, the Sudan Liberation Movement/Army (SLM/A) carried out attacks on various places, including Tawila, in North Darfur, Adwah village, in South Darfur, the town of Um-Asal and at Draida. These attacks constitute serious and unacceptable violations of the...N'djamena Agreement and the Abuja Protocols.”²³⁵ The rebels coordinated attacks on, amongst other targets, Tawila in North Darfur and Kalma in South Darfur. On 22 November 2004, some 80-100 rebels attacked the police station on the edge of the Kalma IDP camp in South Darfur. This resulted in the death of four policemen, and the wounding of several others. The WFP confirmed the attack and stated that “ominously, the attack appeared to have been launched from inside Kalma camp”.²³⁶ The UN Envoy to Sudan said that he condemned “in the strongest terms the killing of policemen and civilians around Kalma camp”.²³⁷ In a separate attack, coordinated to start at the same time as the assault on Kalma, several hundred SLA rebels, travelling in land-cruisers and lorries, attacked Tawila, killing a doctor, 22 policemen and several civilians, and by their actions, forcing the evacuation of aid workers from the surrounding refugee camps.²³⁸

As *The New York Times* noted, these attacks, and the ones that preceded them, ended the stability, a “respite” that had been achieved in Darfur – especially with regard to the provision of humanitarian assistance to war-affected communities: “But what respite had been achieved over the last several months has steadily unravelled in recent days.” The government noted that the Tawila and Kalma attacks had brought the number of rebel violations since the signing of the Abuja ceasefire protocol to 19: 12 in South Darfur, six in North Darfur and one in West Darfur: “Now the international community has seen for itself. We consider this a very serious escalation and a very alarming index of the rebel attitude.”²³⁹ That the attacks had disrupted a period of relative peace was also confirmed by the African Union’s own ceasefire monitoring commission. In its October 2004 report, for example, the ceasefire commission noted that there was a “relative calm”.²⁴⁰ The British aid agency Oxfam confirmed that there had been “improving humanitarian access” but that the attacks had reversed any gains that had been made: “Humanitarian access is worse than it was 6 months ago.”²⁴¹

These attacks, and particularly the one on Tawila, were very important for several reasons. It illustrated once and for all the indifference the Darfur rebels displayed to the internationally mediated peace and ceasefire protocols it had signed only a few days previously. They were designed to provoke a government reaction in the lead-up to several important international meetings on Sudan – at the expense of suffering to hundreds of thousands of the very people the rebels were claiming to be protecting. As much was confirmed by British television news coverage some days after the attack: “What happened here was an act of war. But it was an act of war provoked by the rebels to make the government look bad ahead of this week’s peace talks.”²⁴² The attacks also showed that the indifference of the rebel movements to the devastating humanitarian consequences of its actions. The attack on Tawila shut down WFP operations in North Darfur: “All WFP staff and many NGOs were withdrawn from the field.” The rebel action resulted in 300,000 IDPs being “cut off from WFP food aid”.²⁴³ It was also significant because it was one of the first occasions when the international community chose to unambiguously challenge the Darfur rebels.

The New York Times described the attack and some of the consequences:

At dawn on Monday, according to the United Nations, the rebel Sudan Liberation Army, or SLA, attacked a strategic town just west of [al-Fasher], called Tawilah, killing nearly 30 police officers and taking control of the town... Insurgents from a second group, called Justice and Equality Movement, seized another Darfur town, called Gareida, before pulling back. In a refugee camp in South Darfur, rebels struck at a police post in the middle of the night. Rebels battled government troops in Kuma, just north of [al-Fasher], on the edge of rebel-held territory last weekend. The human consequences of the rash of violent actions are getting grimmer. Practically all roads out of El-Fashir, the North Darfur state capital, are off limits to aid workers, for security reasons... Mobile clinics that once roamed to rebel-held villages north and south of here are now staying off the road.²⁴⁴

International criticism of these attacks was universal, immediate and unambiguous. The UN Envoy to Sudan Jan Pronk stated that the SLA was solely responsible for breaching the ceasefire and restarting the fighting in north Darfur: "This was a unilateral violation of the agreement by SLA, not by the government."²⁴⁵ He declared that: "I do really think that the international community should hold them (SLA) accountable for not complying with international agreements and their own promises."²⁴⁶ The rebel attacks were also condemned by the American government. The State Department said: "The latest incidents of violence were instigated by the Sudan Liberation Movement/Army, and they have resulted in the suspension of humanitarian activities in the areas of fighting."²⁴⁷ Chris Mullins, Minister of State at the Foreign and Commonwealth Office, noted that: "The recent difficulties have been caused by a series of violations predominately initiated by the rebels." He cited the finding by the UN Envoy to Sudan that "the rebels have been the principal cause in the last two months of incidents that have caused the breakdown of the ceasefire..."²⁴⁸ His views were echoed by the British international development minister, Hilary Benn: "Recent rebel attacks on Tawila and on humanitarian convoys in Darfur, along with the murder of two Save the Children UK staff are particularly horrific."²⁴⁹

Three days after the attack the Sudanese government called for the rebels to honour their commitments and seek a peaceful solution to the crisis. The

government also called for the return of the aid workers who had been evacuated as a result of the attacks.²⁵⁰

In early December 2004, the SLA admitted to kidnappings, attacks on civilians and obstructing aid workers. The organisation promised there would be no more incidents.²⁵¹ On 5 December 2004, the Sudanese government released documents which it said showed that the rebels had killed 89 people in more than 300 armed robberies since the April 2004 ceasefire. A Sudanese interior minister stated that the number of armed robberies in Darfur in eight months following the ceasefire was higher than in the previous 15 months. The documents indicated that from 1 January 2003 to April 2004 there were 251 armed robberies in which 80 people had been murdered. From April until the end of November there were 320 armed robberies during which 89 people were killed.²⁵²

Keeping the Aid Corridors Open

In its December 2004 briefing, the Sudanese government recorded that rebels had attacked over 200 trucks: “The policy, we understand, is aimed at strangling the main towns in Darfur. The rebels seem to not be keen on committing themselves to the accords they signed. Although we are committed to the letter to the agreements and protocols ... the state could not be expected to tolerate this nonsense.”²⁵³ This point was also restated later in December: “[The rebels] block roads, impede commercial activities, rob people and commit all sorts of crimes. No responsible government can fold its hands when things like these are happening.”²⁵⁴ This underpins the quandary facing the government. While committing itself to a ceasefire, government forces cannot stand by and let humanitarian and other traffic be attacked on its main roads. Such attacks do indeed strangle the logistics needed to feed the hundreds of thousands of displaced people in camps throughout Darfur. Not to do so would result in deaths and more misery amongst displaced communities. When Khartoum does militarily respond, with or without airpower, it is then accused of violating the ceasefire.

This dilemma was reported upon by the United Nations Secretary General in his report of January 2005.²⁵⁵ The Secretary-General stated, for example, that the fighting which broke out on 7 December 2004 was a result of

“government road-clearing operations, which the Government defined as operations aimed at clearing the roads of banditry”. The Secretary-General noted that the government had briefed the United Nations on their intentions and that Khartoum had “specifically stated that it was not intending to attack or occupy SLM/A-held areas during these operations”. The government went on to identify several key aid corridors. The Secretary-General also noted that in its attempts to keep aid corridors open the government had previously offered to place any necessary police forces under African Union command. The UN noted that this offer had been declined at the 24 November 2004 meeting of the Joint Implementation Mechanism.²⁵⁶ The Secretary-General also noted government concerns about SLA attacks on roads. In addition to obstructing the flow of aid to war-affected communities in Darfur, these attacks “have brought constricting pressure to bear on supply lines, leading to rising commodity prices and insecurity of strategic goods to the population of state capitals”. The Secretary-General himself also noted “SLM/A vehicle and fuel hijacking operations aimed at vital tactical commodities”. He also reported on a “new trend” in the pattern of attacks on, and harassment of, international aid workers: “While previous incidents have only been aimed at looting supplies and goods, December has seen acts of murder and vicious assaults on staff, forcing some agencies to leave Darfur.”²⁵⁷

The government position is a clear one. It has called for the complete deployment of all the AU forces envisaged for Darfur: “If the African troops can’t defend the roads and civilians, the government must do that. We can’t leave the rebels to cut the roads that reach (the 5 million civilians in Darfur).”²⁵⁸

In January 2005, the UN noted that the government “reminded the Joint Implementation Mechanism that...the Government’s offer to provide police who would operate under AU command and assist it in protecting the roads had been declined by AU at the 24 November 2004 meeting of the Mechanism on the grounds that to do so would compromise its impartiality. AU clarified later that although it had some reservations initially, it had not totally rejected the offer and consideration was being given to the possibility of working with Sudanese police in protecting roads in Darfur.”²⁵⁹

In early December 2004, nonetheless, Sudan’s Minister for Humanitarian Affairs, Mohamed Yusif Abdallah, reaffirmed Khartoum’s desire for a negotiated settlement to the crisis, stating that a settlement for Darfur could be

part of a broader constitutional reform which could also affect other regions: “The southern peace agreement will have a positive impact on Darfur. By induction we expect to sign the agreement in Darfur in the next two months... I hope the situation becomes like the south where the rebels commit themselves seriously to a ceasefire.”²⁶⁰ The first week of December, however, saw continuing rebel attacks which forced the withdrawal of more aid workers from Darfur. Attacks, for example, on Saraf Ayat in north Darfur, had resulted in Médecins Sans Frontières evacuating its staff and the displacement of 2,000 civilians. Some 4,500 people were affected by this attack and others.²⁶¹

In December 2004, the SLA, and its obstruction of the peace process, came under close scrutiny by *The New York Times*. The newspaper reported that: “The SLA has been accused of stalling at the last round of African Union-mediated peace talks in Abuja. Despite promises, it has yet to disclose the location of its fighters, on security grounds. Privately, some aid workers and diplomats accuse the SLA of sowing the seeds of further conflict by acts of provocation.” *The New York Times* gave an example of such provocation: “For instance, the rebel group has blocked the seasonal migration routes of a large and powerful nomadic Arab tribe just south of [Thabit]. To date, the leaders of the tribe have remained neutral in the Darfur conflict, but blocking the movement of their animals and thus threatening their livelihood and their way of life could be disastrous.” The newspaper quoted a Western diplomat as saying that the rebels were “broadening the conflict base. The SLA knows what they are doing.”²⁶²

Under pressure from the international community, the rebels came back to the peace table. The fourth round of African Union-mediated Darfur peace talks was held in Abuja from 11 to 21 December 2004. Reuters reported that the government indicated its wish to reach a peace deal in the African Union talks which had recommenced in Abuja. Majzoub al-Khalifa, head of Sudan’s delegation said there was “a lot of common ground for agreement”. He said: “We are very much hoping to come to a final peace agreement in this round” adding that the government would do its best to reach an agreement “before the end of this year so that peace in Sudan will be finalised by January in all parts of Sudan”. JEM leader Khalil Ibrahim dismissed the meeting, declaring “[t]his is not a serious round of talks” and that JEM had lost faith in African Union sponsorship of Darfur peace efforts.²⁶³ News agencies reported in mid-

December that the rebels had pulled out of the Abuja peace talks.²⁶⁴ This also coincided with new rebel attacks aimed at disrupting peace process. The African Union confirmed as much.²⁶⁵ The African Union's chief mediator, Sam Ibok, said that all the international representatives at the talks had advised against the walk-out because "there was no justification for such a suspension." The Sudanese government commented that: "Only negotiation and talks will solve the problem of Darfur. Withdrawal from the talks means more trouble for Darfur."²⁶⁶

The rebels returned to the AU-mediated talks and progress appeared to have been made during these negotiations. The government agreed to withdraw its forces from positions it had moved into following the rebels' November offensive in Tawila and elsewhere.²⁶⁷ And while the rebels rejected new proposals for peace²⁶⁸, they promised no more attacks and violations of the ceasefire agreements.²⁶⁹ The SLA and JEM committed themselves "to cease all attacks against humanitarian and commercial activities and to restrain their forces from attacks on government infrastructure, including police posts".²⁷⁰

The rebels broke their word within days with two serious attacks. On 27 December, rebel forces attacked the town of Ghubaysh. The United Nations said that "notably" this was "the second attack by the SLA since 19 December when the Government of Sudan agreed to an immediate cessation of hostilities."²⁷¹

In late December Reuters reported that JEM had refused any continuing African Union mediation in the Darfur conflict, citing a rebel spokesman: "JEM is rejecting the African Union. We are not going to Abuja again under the auspices of the African Union."²⁷² This was a particular blow to the peace process as the future rounds of peace talks were to focus on the political solution to the Darfur conflict. The government had already announced a range of proposals focusing on a federal solution to the problem.²⁷³

The Sudanese government showed its frustration at the unwillingness of the Darfur rebels to seriously commit to the peace talks: "At the last round in Abuja where the vital political issues was to be discussed, [the] government came ready with six ministers. That shows we were here for business. But the rebels had a different agenda. They delegated very junior officers who could not agree on anything. It is no wonder that [they] keep frustrating the talks via incessant walkouts."²⁷⁴

In early January 2005, the rebels announced that they would be leaving the ceasefire commission in Darfur. Reuters reported that the UN had said “a rebel threat to withdraw from a cease-fire monitoring commission in Sudan’s troubled Darfur region would spell disaster for the faltering peace process”. A UN spokesperson warned: “Obviously, if the SLA make this threat a matter of fact...that would be a disastrous thing to happen because we do not believe that any of the parties have any interest in destroying the little fragile gains they have (made).”²⁷⁵ Reuters reported that officials at the January 2005 ceasefire talks “blamed the rebels for the meeting’s failure”. A peace mediator stated: “The rebels came with preconditions from the start of this meeting, only to scupper any talks.”²⁷⁶ The rebels subsequently suspended their participation in the ceasefire committee and rebel attacks continued.²⁷⁷

It has also emerged that while promising no new attacks – having clearly been stung by the international community’s criticism following the Tawila and Kalma attacks, the SLA had used front groups for some of its new attacks. In December 2004, a group styling itself the “Sudanese National Movement for the Eradication of Marginalisation” (SNMEM) commenced attacks on civilians and policemen. It attacked an oil field at Sharif in Darfur and then a town in western Kordofan, an area neighbouring Darfur, killing 15 people.²⁷⁸ Reuters reported in early January 2005 that “[the] government and some observers have said the group is a front for...the Sudan Liberation Army”.²⁷⁹ The government stated: “There is evidence showing the involvement of the Sudan Liberation Movement in the attack.”²⁸⁰ Reuters cited an international observer as saying: “It seems the SNMEM is the SLM with a different name. They feel that if they use another name, they can act without being bound by the agreements they have signed with the government.”

On 13 January 2005, the Sudanese government urged the complete deployment of the African Union peacekeeping force in Darfur. The foreign minister, Dr Mustapha Osman Ismail, stated that less than half of the 3,320 troops committed by the African Union had arrived: “We are still waiting for the African troops.”²⁸¹ This echoed his previous call on 1 December 2004 for the African Union to fulfil its commitment to Darfur.²⁸²

The United Nations has repeatedly noted the government’s commitment to a peaceful solution to the Darfur conflict. In his February 2005 comments to the United Nations Security Council meeting on Sudan, the UN Envoy to

Sudan, Mr Jan Pronk, stated: “The good news is that the government has shown a willingness to negotiate, toughly, but seriously, on the basis of principles concerning the sharing of power and wealth that have resulted in the Naivasha peace agreement. The Government has recently confirmed its commitment to such talks. President Bashir and Vice President Taha have made it quite clear: the objective is peace through negotiations, in Darfur and elsewhere in Sudan.”²⁸³

By contrast, the UN Secretary-General’s February 2005 assessment of the preceding six-month period with regard to the rebel movements was bleak: “Over this period, the rebel movements have become less cooperative in talks. Their attacks on police have increased and often seemed intended to invite retaliation.”²⁸⁴ In a further complication, tensions between SLA military commanders and the exiled political leadership resurfaced in early 2005. The military leadership were reported to have distanced themselves from the SLA chairman Abd al-Walid Mohamed al-Nur and the Secretary-General Minni Arkou Minawi.²⁸⁵

In March 2005 the UN reported that the SLA had been involved in “number of attacks against civilians”, including attacks on Haraza and Wazazen villages in South Darfur. JEM was also reported to have attacked the village of Rahad El Fate.²⁸⁶ The UN Secretary-General also commented upon “the rash of attacks during March on international personnel operating in Darfur”.²⁸⁷

There were clashes between the Government and rebel movements throughout April 2005. The UN’s report for April noted that “[i]n most cases, Government forces were on the defensive as the rebel movements conducted small-scale attacks against Government convoys or small units of army or police personnel. Of the two [rebel] movements, it appeared that SLA was more often the instigator of the clashes... Not only were the rebel movements more active militarily against Government forces, but both SLA and JEM attacked villages and other civilian targets.”²⁸⁸

The United Nations reported that: “The Sudanese Liberation Army and the Justice Equality Movement (JEM) carried out a number of attacks on police and militia in April and continue to take commercial, private and non-governmental organization vehicles at gunpoint on a scale that suggests that these acts are approved by their leadership. There are reliable reports that the vehicles are taken with the aim of converting them into battlefield platforms.

Abductions, theft of livestock, restrictions on freedom of movement and general intimidation of civilians and humanitarian workers, including United Nations personnel, by rebel movements, were reported throughout April.”²⁸⁹ In late May 2005, an 80-strong rebel force attacked the village of Amo, near Kutum in North Darfur. They wounded several civilians, killed 50 camels and stole several thousand more.²⁹⁰

The UN noted that “banditry continued to plague Darfur in May”. The Secretary-General also reported that “those criminal acts are increasingly being committed by rebel and militia fighters, in addition to common criminals acting without a political agenda. Banditry threatens all commercial and humanitarian traffic in Darfur.” As a result of these activities, on 26 May, the Government informed the African Union that it intended to clear bandits from the Tawilla-Kebkabiya road in North Darfur if the attacks did not stop.²⁹¹ It should also be noted that the UN or AMIS have often chosen not to identify rebel forces with acts of banditry they have committed.

In May Libya hosted a six-way African heads-of-state summit on Darfur; it was also attended by the Arab League. The rebel movements refused to attend.²⁹²

In early June 2005, Reuters reported that “[t]he African Union says Khartoum has stopped military flights over Darfur and shown restraint in clashes with rebels in the past few months. Government troops have also withdrawn from areas they occupied during a December offensive and handed over to the AU.” The UN Special Envoy to Sudan observed that: “It’s over now...there’s no reason anymore to fight, [the rebels] don’t have any reason anymore not to negotiate.”²⁹³

The July 2005 Declaration of Principles

The fifth round of AU-led Darfur peace talks opened in Abuja on 10 June 2005, and ended in early July. The UN reported that there were considerable difficulties with regard to important procedural matters, including the roles to be played by Chad and Eritrea. The rebels restated their objections to Chadian mediation in the peace process, claiming that Chad was seeking to prolong the war. The Chadian foreign minister, Nagoum Yamassoum, challenged rebel assertions: “The rebels create problems with Chad – what interest do we have

in creating problems that prolong the conflict or the presence of refugees which costs money, adds security risk, damages the environment?” The Chadian foreign minister went on to state: “[the rebels] say they don’t want us because we say the truth which is that the rebel political leaders do not want peace. The people who live in Amsterdam, London, Paris...who are in these five-star palaces, who have not even seen Darfur since 5-6 months, and for whom the Darfur, the war, has given some authority, they are received by heads of state – they do not really want that to stop.” He also observed of the leaders “[t]hey are contesting with each other – who are the real leaders? No one knows who they are and that’s been the difficulty with the conflict here since the beginning. There is no real leadership of these rebels.”²⁹⁴

The UN Secretary-General also noted: “There were also sharp differences within and between the two movements. In the case of JEM, breakaway groups called into question the legitimacy of its representatives in Abuja.”²⁹⁵ These talks nevertheless concluded with the signing of a *Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur* which the African Union envisaged as paving the way for substantive discussion on the key issues of power and wealth sharing. The Declaration of Principles addressed issues such as power- and wealth-sharing, unity, religion, land use and ownership and security arrangements. The next round of peace talks was scheduled to be held in late August. On 18 July, JEM and the SLA signed an agreement in Libya which sought to unify the rebels’ positions on key issues.²⁹⁶ The August peace talks were called off by the rebels, something criticised by the Sudanese government.²⁹⁷

Ambassador Baba Gana Kingibe, the head of the African Union Mission in Sudan (AMIS), speaking in mid-July 2005, noted that “over the past few months the security situation on the ground in Darfur has generally calmed down in the sense that fixed combats between the parties...has more or less vanished. What we had in the run-up to the resumption of the Abuja peace talks in June, from May to the first half of June, was fighting between the rebel elements...that too has now died down.”²⁹⁸

Asked about the peace negotiations, Ambassador Kingibe observed: “I must say the progress has been slow. When negotiations resumed on 10 June, the first item on the agenda was the adoption of the DoP – declaration of principles...[negotiations] dragged on and on for almost a month. New

demands were raised by, I must say, the rebel movements. The government... were prepared to sign the draft as it was. But the rebels raised all sort of issues..."²⁹⁹

The following week, however, the SLA attacked a humanitarian convoy guarded by a government detachment in South Darfur. The rebels also attacked several villages.³⁰⁰ The AU confirmed the rebel attack.³⁰¹ The Sudanese military responded by attacking rebel positions. Nevertheless, in an interview in early August 2005, the UN Special Envoy Jan Pronk confirmed that "the security situation has changed. There is no longer war between the government and the SLM/A. There is a ceasefire that is not breached to a great extent." He said that there were about 100 violence-related deaths per month attributable "to a great extent [to] banditry, looting, crime, which goes hand-in-hand with a no-peace-no-war situation".³⁰²

The UN's July 2005 report noted that "violence in Darfur has diminished greatly since the period from early 2003 to mid-2004, which was prior to Security Council decisions and the deployment of AMIS. There can be little doubt that the situation in Darfur is less dangerous for civilians than it was a year ago. Attacks on civilians have declined significantly over the past 12 months, and humanitarian relief workers have access to far more people in need than they had at the time the joint communiqué was signed, in July 2004. These developments should be welcomed by the international community."³⁰³

This was all to change in the last week of July. On 23 July 2005, the SLA attacked two convoys that were being escorted by government forces on the Nyala-al Fashir road. The government responded by action against SLA in the same area. The United Nations also noted in the Secretary-General's report on 11 August that there had been "a considerable rise in abductions, harassment, extortion and looting by both the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A) victimizing civilians and jeopardizing humanitarian activities."³⁰⁴ The Secretary-General spoke of a "descent into lawlessness by the armed movements".³⁰⁵

While there may not have been many direct attacks on government units, the Darfur rebels stepped up attacks on humanitarian convoys and African Union forces. The United Nations also noted in the Secretary-General's report on 11 August that there had been "a considerable rise in abductions, harassment, extortion and looting by both the Justice and Equality Movement (JEM) and

the Sudan Liberation Movement/Army (SLM/A) victimizing civilians and jeopardizing humanitarian activities.”³⁰⁶ The Secretary-General spoke of a “descent into lawlessness by the armed movements”.³⁰⁷

Rebel banditry continued throughout August and into September, with Unicef’s Darfur representative Keith McKenzie noting on 31 August: “There has been a tremendous rise in banditry. Not a single day goes by without two, three or four attacks on aid convoys. You never know when you are going to be hit or where. They seem to be targeting the humanitarian community and workers.”³⁰⁸ An AU spokesman noted: “There is a lot of banditry... The area is lawless and they (gunmen) are attacking everyone.” An aid official also observed that “[t]he situation got worse from around April, May, June... They (gunmen) are taking vehicles. We have lost trucks and aid commodities.”³⁰⁹

On 1 September, SLA gunmen attacked a seven-vehicle aid convoy on the road from Kongo Harasa to al-Geneina in western Darfur. All of the humanitarian workers, drawn from International Aid Services and Tearfund, were severely beaten. The vehicles and their contents were then stolen by the rebels.³¹⁰

On 2 September 2005, the African Union publicly criticised the Darfur rebels:

The Special Representative condemns not only the provocative banditry of the SLA/M, but also their continuing refusal to cooperate with the AMIS intermediaries. He notes that from past experience, such incidents, coming so close to the resumption of the Abuja talks, not only destabilizes the quiescent security situation on the ground, but also impacts negatively on the Talks. The continuing non cooperation of the SLA/M casts doubt on the commitment of the Movement to a smooth resumption of the Abuja talks...³¹¹ A few days later, the AU Special Representative in Sudan, Ambassador Kingibe, described the Darfur rebels as “thieves”.³¹² Associated Press noted that “[t]he United Nations and Sudanese government have condemned the recent increase in rebel-related banditry and attacks in Darfur.”³¹³

The United Nations’ September 2005 report on Darfur noted that the SLA “maintained an aggressive stance, establishing new checkpoints and attacking

vehicles, in particular in South Darfur.”³¹⁴ The UN corroborated AMIS reports that the SLA had attacked nomadic herders near the village of Malam in South Darfur, abducting seven people and stealing over 3,000 camels. The UN noted that the SLA was refusing to assist AMIS with its enquiries.³¹⁵

On 9 September 2005, the Joint Commission monitoring the ceasefire condemned rebel involvement in repeated attacks on civilians, aid workers and AMIS peacekeepers.³¹⁶ The United Nations warned that Darfur risked sliding into a perpetual state of lawlessness because of banditry, and continuous attacks by armed groups on aid workers, Arab nomads and villages. The UN noted that there had been at least ten serious attacks on humanitarian workers since mid-August.³¹⁷ *The Guardian* reported in September that “[a]n upsurge in attacks by Darfur’s main rebel force, including the capture of a key government-held town, is undermining the latest internationally sponsored talks on bringing peace to Sudan’s western regions, according to senior UN officials. . . . The rise in violence by the Sudan Liberation Army (SLA), the largest of the two rebel groups, comes after months of relative calm since African Union monitors fanned out across Darfur and the UN security council imposed a no-fly zone and sanctions on the Sudanese government.”³¹⁸ The BBC noted that “after eight months of relative calm and improving security, the situation in Darfur is deteriorating once again. Banditry and attacks on aid convoys are increasing and the finger of blame is being firmly pointed at the SLA, Darfur’s main rebel movement. . . . The African Union said the rebels’ provocative banditry and lack of cooperation was casting doubt over their commitment to negotiations.”³¹⁹

It was against this backdrop that the sixth round of inter-Sudanese Peace Talks on the Conflict in Darfur was held in Abuja from 15 September – 20 October 2005. The UN noted that “the talks opened with an air of uncertainty regarding the cohesion of the SLM/A delegation and the degree to which the faction of SLM/A Secretary-General Mini Arkoy Minawi was participating.” The UN subsequently noted that “negotiations had not begun by the end of September. Internal division within the SLM had paralysed the talks for one week.”³²⁰ The UN Secretary-General publicly urged the leaders of the rebel movements “to definitively choose the road of peace and negotiations rather than that of combat, and to demonstrate a serious interest in substantive peace talks rather than in internal, and selfish, debates”.³²¹

A few days into these negotiations, on 20 September 2005, the Sudan Liberation Army launched several attacks on government positions in South Darfur, seizing the town of Sheiria.³²² The government accused the rebels of attempting to undermine the Darfur peace process.³²³

On 15 October 2005, the Darfur ceasefire commission called on the Darfur rebels to withdraw without delay from the areas of Labado, Ashma, Graidia and Marla in South Darfur. These areas had previously been controlled by the government and had then been handed over to the African Union. Rebel forces had then taken these areas over. The commission condemned these actions as well as rebel violations of the ceasefire and their attacks on AU forces and relief workers. The commission also called on the rebels to provide their locations to AMIS in keeping with previous commitments they had made. The AU also noted that: "There is a division in the rank of the Sudan Liberation Movement as to who should represent the movement in the talks... As long as the problem is not solved we cannot make much progress."³²⁴

The sixth round of peace talks ended in an impasse. The end-of-talks communiqué stated that there had been agreement on the issues of human rights and fundamental rights and criteria and guidelines for power sharing.³²⁵ At the same time a spokesman for the United Nations described September 2005 as the worst by way of insecurity for aid workers: "The month... was probably the worst month in terms of the number of direct attacks... we haven't stopped humanitarian operations but we have had to adjust them. For example, we have deployed extra helicopters so that humanitarian workers aren't spending time on the roads because the roads are where they're most vulnerable."³²⁶

In October 2005, the International Crisis Group concluded: "The SLA, the dominant rebel force on the ground, is increasingly an obstacle to peace. International divisions, particularly among its political leadership, attacks against humanitarian convoys, and armed clashes with JEM have undermined the peace talks and raised questions about its legitimacy. JEM, while less important militarily and suspect among many Darfurians for its national and Islamist agenda, has similar problems."³²⁷

A Reuters article in late October 2005 reported on the growing impatience within Darfur at rebel intransigence regarding peace negotiations: "People in the camps were impatient for the rebels to engage in earnest at the AU talks in

the Nigerian capital and swiftly move towards the dividends that a deal can bring.”³²⁸

Cantonment of Combatant Forces

AU-monitored separation of combatant forces in Darfur is an essential component of bringing the conflict to an end. All parties to the crisis have signed protocols agreeing to cooperate in this process. The UN has emphasised the importance of this cantonment: “Such a plan would contribute to improving the situation on the ground by stabilizing the ceasefire and creating better conditions for the African Union monitors to carry out their work. It will also create a climate more conducive to negotiating a peaceful resolution to the conflict in Darfur.”³²⁹

In the 25 November 2004 meeting of the Joint Commission, the parties were requested to comply, within one month, with their commitment to provide information on the locations of their respective forces.³³⁰ The Government of Sudan provided the stipulated cantonment details. In January 2005, the UN noted that the government “reminded the Joint Implementation Mechanism that it had taken steps to comply with its obligations in good faith, providing AU with maps indicating the area under its control, as stipulated in the Abuja Security Protocol. SLM/A, on the other hand, had not yet done so.”³³¹

In February 2005, in his review of the previous six months, the UN Secretary-General reported that “over this period, the rebel movement have become less cooperative in talks. Their attacks on police have increased and often seemed intended to invite retaliation. These attacks and provocations have at times indirectly impaired humanitarian access. Some rebels groups have directly impeded humanitarian work by looting cars and trucks and putting pressure on, or even abducting, national staff of humanitarian organizations. Many of these actions have severely reduced the delivery of assistance.”³³²

In his March 2005 report, the United Nations Secretary-General noted that the seventh high-level meeting of the Joint Commission in N’djamaena on 16-17 February 2005, attended by, *inter alia*, the Presidents of Chad, Gabon, Congo-Brazzaville and the Sudan, decided to dispatch a team to Darfur to “verify the positions occupied by the forces on the ground, with a view to working out a separation plan of forces. A clear delineation of the territory

controlled by the various forces on the ground is a crucial element of any viable ceasefire agreement and a vital precursor to the disengagement of forces.”³³³ The African Union reported that the Joint Commission “demanded that the SLM/A and the JEM communicate without delay to the CFC the positions occupied by their forces. The Movements have still not submitted their locations.”³³⁴ The African Union further noted that this non-compliance with commitments was “clearly unacceptable, as the notification of positions is a basic requirement under the Abuja Protocol on the Enhancement of the Security Situation in Darfur.”³³⁵

The Secretary-General noted that the Joint Commission recommended “that the SLM/A and the Justice and Equality Movement (JEM) should unconditionally release to the African Union-Ceasefire Commission the locations occupied by their combatants, as agreed to at the last meeting of the joint commission”.³³⁶

The United Nations reported that in April 2005 both SLA and JEM were “repositioning their forces to new locations that are off limits under the terms of either the ceasefire or other ad hoc agreements. Most recently, JEM reoccupied the town of Gereida in Southern Darfur on 29 May, despite the agreement reached in February among the Government, the rebel movements and AMIS that all combatants would vacate Gereida and three other towns.”³³⁷

In May 2005, the UN special envoy to Sudan noted with regard to attempts by an AMIS team to ascertain the position of combatant forces: “While the government has shown its concern with the task of the team, the other parties have not yet shown the required response. The locations of positions and separation of the feuding forces are provided for in all agreements of the joint ceasefire observation commission and in the UN Security Council Resolution 1591.”³³⁸

In October 2005, the African Union called upon “the rebel movements to submit to the verification of their locations and urges especially SLM/A to refrain from further violation of the N’djamena Agreement and the Abuja Protocols by attacking GoS positions and military convoys, as well as hindering AMIS patrols and the free flow of commercial and humanitarian traffic on the roads.”³³⁹

Repeated Rebel Attacks on African Union Peacekeepers

An increasingly serious problem in Darfur has been repeated rebel attacks on African Union peacekeepers – attacks which have included the murder of several AMIS personnel.

The UN Secretary-General reported that African Union peacekeepers had come under fire on no fewer than seven occasions in February 2005: “No excuse or explanation offered by the SLM/A leadership can possibly justify their forces firing on aircraft or vehicles that are clearly marked as belonging to the United Nations, the African Union or relief agencies and organizations. I condemn these acts.”³⁴⁰

An April 2005 African Union report noted: “A new phenomenon on the security scene is the deliberate targeting and firing at AMIS personnel and equipment, lately by unidentified gunmen. Recently, there have been a series of unprovoked attacks on AMIS vehicles and aircrafts. So far, a total of five separate attacks on AMIS vehicles and PAE fuel tankers, with AMIS escort have been recorded. While the immediate motives for these gunmen are unknown, it is obvious that the Mission is now operating in a less benign environment. On 29 March, unknown gunmen fired at an AMIS vehicle carrying two military officers and one Sudanese civilian guide...in Sector 2 (Nyala). The AMIS Team leader was shot at the neck and the other two suffered light shrapnel wounds... The Team is of the opinion that the perpetrators were SLM/A fighters.”³⁴¹

The UN also noted that the rebel movements became “increasingly obstructionist” towards African Union peace-keepers in the course of May 2005. On 10 May, for example, the SLA detained 18 members of an AMIS team.³⁴²

In his July 2005 report on Darfur, the UN Secretary-General noted that the rebel movements were “actively seeking to hinder [peace] monitoring activities. In addition, AMIS is not infrequently confronted by local SLM/A commanders who deny their patrols access to an increasing number of rebel-held areas. These AMIS patrols have reported that the SLM/A commanders have attempted to justify their refusal to grant access on the grounds that AMIS was conducting espionage against SLM/A, without attempting to substantiate the allegation.”³⁴³

The UN Secretary-General reported that on two occasions in February 2005, clearly marked UN WFP helicopters came under heavy machine-gun fire passing by Siyah en route to Malha Wells in North Darfur. The SLA admitted that they had fired on the second occasion and the Secretary-General stated that “one may assume its responsibility for the first incident as well.”

On 8 October 2005, SLA gunmen killed three Nigerian AU peacekeepers and two civilian drivers in an ambush: two other Nigerian soldiers were captured and subsequently executed. The African Union stated that it unreservedly condemned the killings “and holds the SLA responsible for this wicked and atrocious act”.³⁴⁴ Associated Press noted that “the violence occurred in generally SLA-controlled territory with a history of previous rebel interference and attacks against African Union teams, according to a statement released by the African Union Mission in Sudan.”³⁴⁵ A further 36 AMIS personnel were kidnapped by another Darfur rebel faction on 9 October. The government condemned the murder and abduction of AMIS members: “Serious measures should be taken by the African Union to halt this targeting of AMIS personnel, of the civilians and of relief workers in Darfur by the rebels.”³⁴⁶

A Pattern of Rebel Provocation

The SLA has on several occasions been party to behaviour that can only but be described as deliberately provocative to both the government and Arab tribes within Darfur. De Waal and Flint have recorded SLA attempts to provoke the biggest Arab tribe in Darfur into involvement in the conflict. In July 2004, for example, the SLA deliberately began attacks into the south-east of Darfur, within areas belonging to the Rezeigat, Darfur’s most powerful tribe – a tribe which had not been caught up in the war. The SLA attacked Rezeigat villages, killed civilians and stole livestock, attacks which in the words of de Waal and Flint threatened to “plunge the hitherto calm Rizeigat land into bloody conflict”.³⁴⁷ The Rezeigat militia defended themselves and pursued SLA forces back to their bases. Rezeigat tribal leaders ordered their men not to attack any further and to return to their own tribal areas. The SLA continued to provoke the Rezeigat until they eventually responded to threats of retaliation.³⁴⁸

The United Nations has documented several instances of rebel provocation within the peace process. The SLA had attacked a nomadic community in early 2005, killing ten members of the Miseriyya tribe and stealing livestock in South Darfur. This attack had been reported to the African Union who were unable to respond effectively. On 7 April 2005, a Miseriyya tribal militia retaliated with an attack on the village of Khor Abeche. This attack resulted in the displacement of several thousand people.³⁴⁹ This pattern of activity has continued.

And, as mentioned above, both UN and AMIS documented the SLA attack on nomadic herders near the village of Malam in South Darfur in August 2005, abducting seven people and stealing over 3,000 camels. The SLA refused to assist AMIS in its attempts to resolve the incident.³⁵⁰ The African Union severely criticized the SLA for its attitude. The African Union noted with regard to the Malam incident “the restraint shown by the Arab nomads and their commitment to follow the path of mediation”.³⁵¹ Regrettably, having waited in vain for AMIS intervention, the nomad communities in question chose to take the law into their own hands and attempted to recover the abducted members of their tribe as well as the stolen livestock. Forty people died in the clash. A source within the nomadic community stated: “Following a week-long truce, the AU was unable to convince the SLA to return the camels. A few evenings after the truce ended, a large group of nomads attacked an SLA stronghold in the Jebel Marra mountain area.”³⁵² *The Guardian* had also noted that the Malam incident had “sparked a chain of clashes” and confirmed that tribal leaders had appealed to the AU for assistance. When that was not forthcoming the nomads tried to forcibly recover their livestock. When asked by *The Guardian* if government forces had been involved in the recovery, the governor of North Darfur denied any government presence: “There was not a single soldier with them. The camel owners waited 13 days for the AU and the international community to respond.”³⁵³

The International Crisis Group also noted deliberate provocation regarding Malam on the part of the rebels, stating that “An outbreak of fighting in early and mid-September...can be traced back to the SLA division. The looting at the beginning of that month of several thousand cattle from Arab nomads near Malam was committed by SLA soldiers connected with Minni Minawi. The camels were taken to Jebel Marra, leading to retaliatory attacks by Arab

tribes. In mid-September, the SLA attacked at least three towns in South Darfur, briefly capturing Sheiria.”³⁵⁴ The ICG further noted that a rebel leader had stated “that the camels were purposely brought by Minni’s faction to Jebel Marra in order to give the impression that the Fur were behind the attack.”³⁵⁵ That is to say, Zaghawa SLA rebels deliberately provoked nomads into attacking a Fur community in order to recover their livestock.

Problems Facing the Peace Process

There are clearly a number of serious problems with regard to the rebel movements and peace in Darfur – problems which explain both the inability of the rebel movements to negotiate within the peace process and the slide into banditry by rebel gunmen.

It is now widely recognised that the Sudan Liberation Army has become increasingly disorganised and has been caught up in ethnic and personality conflicts. To an extent this was predictable. De Waal and Flint, for example, observed: “The SLA emerged into the political arena as a marriage of convenience rather than of conviction – a coming together of tribally organized armed groups on the basis of what united them, with very little discussion of what divided them.”³⁵⁶

One of the most apparent divisions within the SLA has been a tribal one, between Fur fighters represented by Abd al-Wahid al-Nur and Zaghawa combatants led by Minni Minami. De Waal and Flint noted that the war which unfolded within the Jebel Marra in 2003 soon led to “mistrust between Fur civilians and Zaghawa fighters”, with the Fur seeing the Zaghawa as a “threat”.³⁵⁷ The Fur-Zaghawa relationship continued to sour to the extent that when Fur SLA groups under Abd al-Wahid were surrounded by government forces to the south of the Jebel Marra in early 2004, Minawi refused to send any help. He was also said to have diverted deliveries of urgently-needed weapons from Abd al-Wahid’s Fur forces to his own in North Darfur. These tensions were later further exacerbated when, forced out of North Darfur by government offensives, hundreds of Zaghawa SLA fighters loyal to Minawi relocated to the Jebel Marra and other areas of South Darfur. Vicious inter-tribal intra-SLA fighting between Fur and Zaghawa rebels allied respectively to Abd al-Wahid and Minawi, subsequently ensued in the Jebel Marra area.

Minawi's Zaghawa continue to control parts of the Jebel Marra with a largely Fur population, and inter-tribal tensions continue. The International Crisis Group reported in October 2004 that "there are reports of serious abuses of the civilian population in the areas east of Jebel Marra controlled by, or exposed to, the operations of [the Minawi] faction".³⁵⁸

There is a clear pattern of inter-tribal violence on the part of the SLA. In November 2005, the United Nations reported that the SLA had abducted members of the Fellata tribe and demanded that ransom be paid for their return. The Fellata attacked the SLA and freed their kinsmen. This led to further fighting. On 6-7 November, 1,500 armed tribesmen attacked the villages of Dar es Salaam, Jamali, Funfo, Tabeldyad, Um Djantara and Um Putrumf in the Gereida area, burning most of them. In a separate incident, members of the largely Zaghawa JEM organisation attacked villages near Serguela: 62 JEM fighters were reported to have been killed. Ten thousand, largely Massalit, civilians fled to Gereida as a result of this fighting.³⁵⁹

Leadership within the SLA has continued to be polarised between Abd al-Wahid and Minni Minawi, and their respective tribal constituencies. Minawi and his largely Zaghawa fighters started to push for control of the SLA. De Waal and Flint, for example, cite a Zaghawa SLA commander who stated: "The fighters on the ground in Darfur are Zaghawa. They control all of North Darfur and half of South Darfur. Most SLA commanders are Zaghawa."³⁶⁰ Abd al-Wahid opposed any changes in the leadership arrangements for the movement. The SLA became an essentially Zaghawa dominated organisation. The tribal divisions subsequently started to come into sharp focus.

Another deep division has been between the SLA's external and internal components. Both Minawi and Abd al-Wahid left Darfur in 2004. Once outside Darfur, both began to lose touch with SLA commanders in the field. De Waal and Flint noted that "[a]n 'internal-external' divide was added to the ethnic split."³⁶¹ Abd al-Wahid split his time between Eritrea, Kenya and Europe – de Waal and Flint state that Fur leaders began to refer to him as a "hotel guerrilla".³⁶² An additional division that was to emerge within the SLA was that of age. A generation of young gunmen had emerged as SLA commanders. Speaking in 2004, a SLA leader noted that "[t]he SLA problem is a leadership problem. They are young and inexperienced and leave no openings for intellectuals or men of experience. They have no political system. They are

not democratic.”³⁶³ The International Crisis Group confirmed this development: “As the divisions grew between the leaders in exile, a gulf predictably grew between them and the field commanders. This has led to new leaders in the field, a gradual breakdown in military command and control, including a sharp rise in banditry, and the loss of legitimacy for the external leadership in the eyes of the international community as well as some elements of the SLA.”³⁶⁴

Minawi returned to Darfur in May 2005. Abd al-Wahid remained outside of Darfur until late October 2005. Minawi pushed for a SLA conference to be held in Darfur – to include the field commanders – knowing that the Fur are poorly represented in the SLA military leadership. He subsequently convened what was said to have been an SLA reconciliation meeting near the village of Haskanita, in a part of rebel-held eastern Darfur, in late October 2005.³⁶⁵ Abd al-Wahid and his faction boycotted the meeting.³⁶⁶ The conference was dominated by Minawi and another Zaghawa, Juma Hagggar, the SLA’s military commander-in-chief, and was widely seen as having widened the split within the rebel movement.³⁶⁷ The UN stated that it did not attend the meeting because it was “not an all-inclusive conference”.³⁶⁸

In the light of these deep divisions perhaps the first question that must be asked is whether or not the rebel movements themselves actually want to end the war they started? This question is central to the issue of what motivated the conflict in the first place. It is clear that what they claim to have been fighting for is on offer. As the International Crisis Group has quite rightly noted:

Darfur’s problems are negotiable – under the right circumstances – and could fit relatively smoothly into the governance structures being negotiated between the government and the SPLA at Naivasha. In particular, the state autonomy models for the northern states of the Nuba Mountains and Southern Blue Nile could offer the basis for a resolution in Darfur. They provide for a high degree of autonomy for sub-national states and greatly increased provincial control over decisions affecting local administrations, including on education and legal systems, and could offer a template with which to begin discussions on a political settlement for Darfur.³⁶⁹

Autonomy has already been put on the table by the Sudanese government.³⁷⁰ The question is whether or not one or more of the rebel movements have been pursuing a different agenda other than that of “overcoming” marginalisation through some level of power and wealth sharing. This is of particular concern with regard to the Justice and Equality Movement. Is their war less one against marginalisation and more of an Islamist war by proxy in Darfur with the objective of re-instating Turabi or the Popular Congress in power? If this is the case then they will presumably continue to seek ways of weakening or destabilising the Khartoum government by keeping the conflict going, hoping that there might be some sort of Western military intervention which the ultra-Islamist Popular Congress would then be able to exploit domestically.

There are also question marks over the Sudan Liberation Army’s genuine commitment to the peace process. The SLA’s transparent attempt to launch attacks in December 2004, in violation of international ceasefire agreements by using front groups such as the “Sudanese National Movement for the Eradication of Marginalisation” does not augur well. The SLA has not only continued to violate the ceasefire but has also engaged in deliberately provocative attacks on government forces and Arab tribes and civilians, often in the lead-up to, or during, rounds of peace talks. It demonstrates a cynical intention on the part of the SLA to continue violence while paying vestigial lip-service to a peace process.

That both rebel movements have procrastinated within, and delayed, the peace process is a matter of record. In addition to being obstructionist during the rounds of peace talks, they have also sought to destabilise the peace process itself by first objecting to the Chad government’s (successful) attempts at mediation, and then by refusing to continue with African Union mediation.

Even assuming that the rebel movements want peace, and they genuinely seek a political solution to the Darfur crisis, defining their political demands has been problematic. For one thing, as the ICG has noted, although the rebel movements are arguing for democracy “their own democratic credentials remain open to question”.³⁷¹

Leaving JEM’s political agenda to one side, even that of the Sudan Liberation Army is far from coherent. *Time Magazine* has noted that “The SLA’s ultimate goals remain murky. Over the years, its leaders have advocated everything from secession to greater representation in local government to

the capitulation of the central government.” The anti-Khartoum International Crisis Group has also observed: “They haven’t to this day clarified their political objectives or presented them in a coherent way.”³⁷² The implication of this incoherence has been spelled out in October 2004 by *The New York Times*: “The rebels’ political goals have never been clear, beyond vague demands for the sharing of wealth and power in Sudan. That could be a potential stumbling block in [peace] talks.”³⁷³ Two months later, in the wake of the Tawila attack, *The New York Times* returned to the issue: “[J]ust what does [the SLA] want politically and how does it intend to reach its objective through its gunmen. . . . Nearly two years after the insurgency began, its political demands remain vague – beyond claims for a greater share of Sudan’s economic and political spoils.”³⁷⁴

In the absence of any coherent political agenda on the part of the Sudan Liberation Army looms the spectre of Somalian-type warlordism. In November 2004, the UN Special Envoy to Sudan spoke of this possibility.³⁷⁵ Mr Pronk said that rebel leaders must control their forces or “we may soon find Darfur is ruled by warlords”.³⁷⁶ The SLA’s track record in this respect has been appalling leading to direct African Union criticism of the behaviour of its members: “[W]e don’t think it is right or normal for any movement that is trying to be a political movement to be involved in banditry.”³⁷⁷

There is also considerable concern about the rebel movements’ control over its own forces. Perhaps the most benign reading of the November 2004 attacks on towns such as Tawila is that it revealed apparent rebel difficulties with regard to control of their fighters in Darfur. The UN described the rebel attack as an example of “a crisis of leadership” within the SLA. Knight-Ridder’s Sudarsan Raghavan described the situation as “an obstacle to achieving peace in Darfur”. Raghavan confirmed that “rebel forces now appear to be launching many of the disputed attacks. Black African rebels have stolen camels from Arab tribes, kidnapped civilians and attacked police stations.”³⁷⁸ The African Union also stated that “It appears. . . . that there are some problems with the chain of command of some of the movements, especially the SLA.”³⁷⁹ The SLA representative to the African Union, Abdou Abdallah Ismail, denied any such problem, and insisted that the SLA “has full control over its commanders”. Ismail was clearly aware of international criticism: “I want to send a message to the international community. My guys are not going to

act like bandits. We're a movement. How can we act like thieves and protect people?"³⁸⁰

The New York Times also addressed concerns about rebel command and control:

The problems are exacerbated by what appear to be contradictory bluster and promises from the rebel camp. It remains unclear whether the attack on Tawilah, for instance, was ordered from on high, or whether it was the result of a flimsy chain of command... Their message has not been consistent. Rebel leaders late this week scrambled to publicize their commitment to a cease-fire, even after at least one of their spokesmen earlier in the week declared the truce to be over... The latest spate of hostage-taking and attacks on government targets has brought unusually harsh criticism of the SLA... Whether rebel leaders are stepping up attacks for the sake of trying to gain leverage at coming peace talks in Abuja, or whether the attacks simply signal a breakdown in their command-and-control structure also remains unknown.³⁸¹

In the event, *The New York Times* reported the more benign view of Tawila, "Whatever the case, it is clear, say aid workers, United Nations officials and senior Sudanese government officials, that the Sudan Liberation Army remains a poorly organized insurgency, one whose rank-and-file fighters may be unaware of the promises made by their political leaders."³⁸²

There is also a question mark with regard to the SLA's ability to engage constructively or coherently in the AU-led peace negotiations. It is very obvious, for example, that the fighting between SLA factions quickly manifested itself in the peace negotiations. The ICG noted, for example: "[t]he rivalry between the two factions has crippled the SLA's negotiating efforts, undermining its ability to offer a credible and united front. For example Minni and Abdel Wahid routinely submit separate lists of delegates to the AU for accreditation. The divisions were most evident in the June/July 2005 round."³⁸³ These divisions were also evident during the October 2005 negotiations. The BBC noted: "Peace talks in Nigeria – which should have addressed fundamental issues of power and wealth sharing have instead been dominated by wrangling

over who should represent the SLA. No substantive discussions took place at the sixth round of negotiations which ended in Abuja on the 20 October. For three weeks the SLA argued among themselves over the make up of their delegation. Abdul Wahid had changed the SLA's list of negotiators from the previous round to exclude Minnawi and his faction. The official SLA delegation now just consisted of Abdul Wahid's supporters – even his personal bodyguard was included.”³⁸⁴ De Waal and Flint cite an observer at the peace talks: “We should be talking about two or three separate SLAs. The only thing keeping Abdel Wahid and Minni talking to each other is that the Americans insist that they have one delegation.”³⁸⁵ Even that was to end.

Additionally, factional in-fighting and actual inclination to negotiate aside, there are doubts over the SLA's ability to engage constructively in any peace or political process. De Waal and Flint note that:

The SLA and JEM negotiating teams were catapulted into major negotiations with almost no experience or preparation. Lacking political structures or strategy, the SLA compensated for lack of quality with quantity and sent ever-larger numbers to the talks...Most of its delegates were poorly prepared at best, but still insisted on being party to every discussion...Abdel Wahid rarely turned up or sent clear instructions...Without a negotiating strategy...the talks did not get beyond acrimonious preliminaries. By the end of the year, there had not been a single day's discussion about a framework for a political settlement...Armed men are given legitimacy as decision-makers for people who have not elected them...In the AU's conference chambers, SLA delegates rage at the government, but don't articulate a political agenda.³⁸⁶

That is to say that the rebel movements would appear to have launched a bloody insurrection, killing thousands of people within Darfur, and provoking a ruthless counter-insurgency campaign affecting many thousands more without any clear agenda beyond mouthing a number of superficial slogans, most of them questionable in themselves.

Reuters has noted also that “Internal differences, conflicting goals and a lack of coordination among Sudanese rebel groups are obstructing international efforts to reach a peace agreement with the government over Darfur, diplomats and aid workers say.”³⁸⁷ Reuters quoted an African Union official as saying: “The factionalism of the (rebel) leadership almost derailed talks in N'Djamena and set back the talks in Addis Ababa.” Reuters also pointed

to the problem of “a pattern of often contradictory rebel statements from spokesmen who change frequently.” The Sudan Liberation Army was also said to lack cohesion. SLA chairman Abd al-Wahid al-Nur tried to explain difference of opinion away by stating that “There are mistakes sometimes from some officials who say things that are not our policy.” Reuters observed that “[al-Nur] said he was the overall leader of the group and took the final decision in political matters. But another SLM leader, Minni Arcua Minnawi, had previously told reporters he was the leader of the group.” An aid worker who deals with the SLA leadership on a regular basis noted: “It is often unclear who speaks for the group or what section of the group they speak for. It is also unclear who speaks for the group at all and who doesn’t.”³⁸⁸

While the Justice and Equality Movement, in that it is essentially Zaghawa in its membership, has not been troubled by ethnic divisions, it has experienced several political splits. JEM’s leadership has always been externally-based which has led divisions within the organisation. In 2004, JEM’s chief-of-staff, Jibril Abdel Karim, formed a breakaway group, the National Movement for Reform and Development. It was reported that subsequent clashes between JEM and breakaway rebel fighters had left 20 dead and dozens injured.³⁸⁹ Other factions have also left the organisation. This was described by the African Union official as “a dilemma” which would get worse: “This is particularly a concern with JEM... With JEM we have had splinter groups claiming to talk for the whole group... it’s difficult to know who talks for the group.”³⁹⁰

Inter-Rebel Conflict

It is also clear that there are deep political differences and tensions between JEM and the SLA. As early as May 2004, the International Crisis Group quoted a leading SLA member as saying: “Continued coordination is unclear, because they [JEM] have some ambiguous political backing.”³⁹¹ In October 2004, Reuters reported: “The rebel movements negotiating with Sudan’s Islamist government to try to end the 20-month-old conflict in Darfur have been unable to come up with a common political framework, presenting separate documents to mediators instead.”³⁹² *The New York Times* has noted of the SLA that “splits are inevitable with its cousin rebel factions”.³⁹³ The issue of the separation of religion and state has been cited as a major area of divergence between the two

groups. Reuters noted that “the leadership of the two rebel groups have very different backgrounds. JEM’s leaders are widely believed to have retained prior links with Sudan’s opposition leader and Islamic ideologist Hassan al-Turabi, an advocate of Sharia law.”³⁹⁴

The April 2005 African Union report on Darfur noted that “the SLM/A has been experiencing leadership problems during the past months. The relationship between its Chairman, Abdelwahid Mohamed Nour, and its Secretary-General, Minni Arcou Minawi, has deteriorated considerably. Since then, each one of these two leaders has proceeded to work with his own group of followers, which makes decision-making within the Movement difficult.”³⁹⁵

The United Nations and the African Union have documented several of the violent clashes between the SLA and JEM. In June 2005, for example, the AU stated that it was deeply concerned at “the deteriorating security situation” in South Darfur:

Exclusive responsibility for this lies squarely on the Sudan Liberation Movement and the Justice and Equality Movement whose military elements have engaged in clashes for control of territory. The genesis of the current offensive and counter offensive goes back to March 2005 when JEM was forced out of Muhajeriya by the SLA. Consequently, the JEM occupied Graidia despite requests by AMIS forces for them to relocate some 6 Km outside Graidia. On the 3rd June, 2005, the SLA attacked the JEM positions in Graidia with heavy bombardment and the firing of mortar bombs which killed 11 persons, wounded 17, and burnt several houses. They constitute a serious breach of the Ndjamena Humanitarian Ceasefire Agreement.³⁹⁶

Further Splintering of Rebel Groups

There is, therefore, clearly the danger that rebellion in Darfur may encourage the emergence of further armed groups, in Darfur and in other parts of Sudan. A number of new groups, of varying credibility, have appeared on the scene.³⁹⁷ Reuters has reported, for example, that the African Union presently “recognizes

the SLA and the other main rebel group, the Justice and Equality Movement (JEM), and the National Movement for Reform and Development, which split from JEM and agreed to respect a cease-fire after talks with Khartoum”. Reuters quoted Major-General Festus Okonkwo, the Nigerian commander of AU forces in Darfur, on the issue of new groups: “If we recognize too many groups, then more groups will take up arms. So the AU will not recognize any more groups.”³⁹⁸

Foreign Involvement in Darfur

There is another difficulty which has posed a problem in the search for peace in Darfur – those foreign governments and constituencies who, for their own political interest, would wish to see continuing conflict in Darfur and the continued destabilisation of Sudan in Darfur and elsewhere. Eritrea is an obvious candidate in this respect. The International Crisis Group has also commented upon the sometimes less than helpful role played by international observers at the peace talks themselves, citing one observer as saying “The process had too many players. It was too hard to keep the international actors united. They were a fractured, agenda-ridden group. It was a political catfight. The observers never settled their own differences.”³⁹⁹ There were also accounts of how the Darfur rebels were being encouraged by United States officials to procrastinate during peace talks in late 2004.⁴⁰⁰

The UN Special Envoy to Sudan, Jan Pronk, has clearly pointed to the fact that some foreign governments have encouraged the Darfur rebels – and, if these same foreign interests now want peace in Darfur, will now have to put pressure on them to negotiate a peaceful settlement: “Some people have been told: ‘If you fight, you get some outside support.’ But the same countries who made such risky statements will have to tell these people in the field: ‘If you fight, you won’t get any support any more from us; you have to participate in the political dialogue.’”⁴⁰¹

The simple fact which must be borne in mind by those who wish to see peace in Darfur is that the rebel movements may believe that it is not in their best interests to have peace. Continued war means a continuing humanitarian crisis which in turn means continuing pressure on Khartoum, with rebel hopes that this might translate into some form of foreign military intervention which

the SLA or JEM would then be able to exploit domestically.⁴⁰² This would at least in part explain the reluctance of both rebel movements either to engage in any meaningful negotiations or then to abide by any commitments they may have signed.

Other Government Measures with the Peace Process

In addition to clear and unambiguous engagement within the peace process, the government has also been party to a number of other measures aimed at stabilising Darfur. On 7 April 2004, the Sudanese government announced the formation of a Ministerial Committee “to end security and relief problems in Darfur region”. The Committee was tasked with the following: to control and disarm militias and non-regular forces that target the civilian population or hinder the delivery of relief; to open all relief corridors and to secure unimpeded access to the area for humanitarian assistance; to provide basic needs for affected population in the area; and to create a conducive atmosphere for the stabilization and normalization of the situation in Darfur. The Committee visited the affected areas on 8 April 2004, accompanied by diplomatic representatives of the USA, EU, and France, as well as representatives of UN agencies. The government informed the African Union that the representatives of the international organisations had confirmed an improvement in the humanitarian situation.

On 10 April 2004, the Sudanese government announced an immediate investigation to prosecute those responsible for the violence in the Darfur region. In May 2004, President Omar Bashir announced the setting up of a national commission to probe allegations of human rights violations in Darfur. The committee was chaired by former Chief Justice Dafallah al-Haj Yousif and made up of retired police general Hassan Ahmed Sidik, former army general al-Sir Mohammed Ahmed, a former commander of the Western Command, Dr Fatma Abdul-Mahmoud, National Assembly member, Hamadto Mukhtar, Chairman of the National Assembly’s Human Rights Committee, Nazir Mohammed Sarour Mohammed Ramli, a representative of the Darfur administration) and Fuad Eid, a former administrator. It was tasked with investigating claims relating to killings, torture, the burning of villages and the seizure of property.⁴⁰³ The Commission reported back in January 2005

and made a number of recommendations including judicial investigation of the human rights abuses and the establishment of a compensation commission and administrative commission to address any underlying social causes of the insurrection.

A central recommendation of the commission was the establishment of a national judicial commission to investigate abuses of human rights in Darfur. Local authorities established similar committees. The UN noted that, by May 2005, the national commission had indicted 70 persons and armed parties for involvement in crimes in Darfur. The charges ranged from murder and rape to looting and arson.⁴⁰⁴

Gender-based sexual violence has been a feature of the Darfur crisis. In July 2004 it was also announced that the Minister of Justice had established three committees to investigate allegations of rape in Darfur.⁴⁰⁵ In August the justice ministry established a special committee made of female judges, police and justice ministry officials to investigate rape cases. In March 2005, the government and UN raised awareness of the rape issue in a joint mission to the province. The mission clarified that rape victims were entitled to medical treatment whether or not they have completed forms required by local courts that document a victim's injuries and serve as medical evidence of the injuries and/or rape.⁴⁰⁶ In August 2005, the government announced further measures to eliminate violence against women in Darfur. These measures included awareness-raising activities, police training, the establishment of police liaison officers in six community centres, human rights training, support for legal aid to assist rape victims and the establishment of a joint committee of the Government of National Unity and UN agencies to revise criminal procedure laws in order to secure compliance with international standards. The UN has noted that many of the measures reflect key recommendations contained in a July 2005 report, *Access to Justice for Victims of Sexual Violence*, prepared by the United Nations Mission in the Sudan.

The government had helped facilitate numerous visits from human rights organisations and experts. From 21 April-2 May 2004, for example, a UN High Commission on Human Rights investigative team visited Darfur. Amnesty International delegations visited Darfur in January 2003 and in September 2004. A delegation from the African Human Rights Commission visited Darfur in July 2004. The Special Rapporteur on violence against women, Professor

Yakin Ertürk, visited Darfur from 25 September to 2 October 2004. Numerous other human rights delegations have also visited.

The Government of Sudan has agreed to and fully cooperated with the deployment of United Nations human rights officers in Darfur. The first OHCHR officers arrived in Darfur in August 2004, and are now fully integrated into the United Nations Mission in the Sudan. In July 2005, the UN noted that government “cooperation with human rights officers has been good, with regular meetings held with the police, prosecutors and the judiciary. Extensive human rights training for local police and the judiciary has been provided by the United Nations Development Programme, supported by the OHCHR and the International Rescue Committee.”⁴⁰⁷

In May 2004, the government announced a number of measures aimed at facilitating the arrival of humanitarian aid in Darfur and enabling war-affected civilians in Darfur to return to their home areas and to prepare for the coming agricultural season. These measures were said to be “aimed at reducing the impacts of war and facilitating the work of Sudan’s partners in the humanitarian aid field”. To this end the government relaxed entry visas for aid workers entering Sudan.⁴⁰⁸

In June 2004, the Sudanese President appointed the then Interior Minister, Major-General Abdul-Rahim Mohammed Hussein, as his Special Representative for Darfur, to oversee the implementation of government measures.⁴⁰⁹ On 18 June, the President announced seven decrees: a declaration mobilising all sectors of government to restore law and order in Darfur; the establishment of special courts to prosecute criminals; the deployment of police forces to protect villages to enable civilians to return home; all ministries, particularly Agriculture and Finance, to assist with making available seeds for the coming planting season; all relevant ministries were instructed to implement the contingency plan for the development and provision of basic services in Darfur; calls for all governmental and non-governmental organisations to provide humanitarian assistance to internally-displaced people; and the promotion of a national conference to promote a national dialogue.

In early July 2004, the Sudanese government announced that it had drawn up plans to help more than a million people who fled their homes to return voluntarily and provide them with security. The returnees will be provided with services, shelter materials and food that will be adequate for three

months.⁴¹⁰ This was followed up with further measures. On 6 July 2004, the Sudanese President's Special Representative in Darfur, Major-General Hussein, issued 15 decrees aimed at addressing and alleviating the crisis in Darfur. These addressed security issues, the easing of aid and relief access to Darfur, human rights monitoring and the presence and work of African Union observers.⁴¹¹

On 3 July, Dr Mustafa Osman Ismail and the UN Secretary-General signed a joint communiqué establishing a Joint Implementation Mechanism (JIM), to oversee the carrying out of a mutually agreed plan of action. In addition to the government and United Nations, participation in JIM includes several partner countries and members of the League of Arab States, as well as Nigeria representing the African Union in its capacity as current AU chairman. It has since met on a number of occasions. A joint verification mission visited Darfur in late July and ascertained that the government was holding to a policy of voluntary returns and that humanitarian access had improved.⁴¹² It was realised that commitments to disarm all militias within 30 days was unrealistic, as noted by the Secretary-General on 30 August 2004: "Making an area the size of Darfur, with the amount of armed men and violent recent history, safe and secure for all civilians takes more than 30 days."⁴¹³ The government committed itself to three steps: ending all offensive military operations; identifying parts of Darfur that could be made safe within 30 days; and identifying those militias over whom it had control and instructing them to lay down their weapons. Areas in each state were identified, and as agreed through JIM, the government commenced the large-scale deployment of some 6,000 policemen to maintain security and protect displaced persons' camps in Darfur. They would be tasked with assisting with the delivery of relief supplies and the provision of medical supplies.⁴¹⁴ An additional 2,000 policemen were deployed in mid-August.⁴¹⁵ By the end of 2004, some 12,000 policemen had been moved from other areas of Sudan into Darfur. The United Nations noted that "the enlarged police force appears to be of a well disciplined quality."

In his 30 August 2004 report, the Secretary-General noted that "the disarming of members of the [Popular Defense Forces]...has started. The second joint verification mission observed a demobilization ceremony of about 300 PDF soldiers in West Darfur...In South Darfur, the joint verification mission on 27 August inspected 157 arms in Kass that had been given up by

members of the PDF the previous day, and was told about similar efforts in other locations in South Darfur.”⁴¹⁶

In keeping with the United Nations plan of action, the government convened a conference of local leaders from Darfur. This was held in Khartoum from 11-12 August 2004. The conference reviewed draft legislation on “the native administration of the three Darfur states”. The United Nations Secretary-General noted that “the participants adequately covered the three Darfur states, and all major tribes and the interests of both pastoralists and nomads were well represented. Most of the traditional local leaders were present, including leaders who were known to have political views at variance with those of the Government.” The Native Administration Law for the Three Darfur States was passed by presidential decree on 19 August 2004 and the United Nations states that it “contains criteria for the selection of local administrators and provisions relating to administrative, security, judicial, executive and other issues. The law provides for a general framework . . . to help address the conflict in Darfur in a transparent and sustainable manner.”⁴¹⁷

In building the case for peace in Darfur, the government has sought to encourage a process of inter-tribal reconciliation – a process which has previously helped to end similar conflict. As but one example, Khartoum convened a meeting in Nyala, South Darfur, for the leaders of six tribes caught up in the conflict. The tribes agreed to a ceasefire and to waive claims for compensation and blood money.⁴¹⁸

Chapter Three

HUMANITARIAN AID ACCESS IN DARFUR

It is strange to see that there is still the notion in the world that nothing is happening and we're completely blocked from accessing Darfur. We are reaching some 800,000 people at the moment with some sort of assistance and food.

*Jan Egeland, UN Under-Secretary-General for Humanitarian Affairs, July 2004*⁴¹⁹

Most of the underserved areas remain rebel-held, many of which have not been accessible to UN agencies because of a series of security incidents and a delay in obtaining SLA agreement and understanding of humanitarian rules and principles laid out in agreements.

*United Nations Report, December 2004*⁴²⁰

There has been considerable sensationalism with regard to humanitarian aid access to Darfur. There have been attempts to claim that the government has been systematically denying humanitarian access to Darfur and its war-affected communities. The reality is that ensuring humanitarian access to the war-affected communities while a political solution is sought is the single most important task facing both the Sudanese government and the international community. At the same time it is clear that a continuing humanitarian crisis, especially one in which aid workers cannot gain access to war-affected communities, is in the best interests of the rebel movements. It is now equally obvious that the rebel movements have not only been seeking to deny humanitarian access to government-controlled areas by attacks on aid workers – attacks which in turn result in aid agencies suspending activities in parts of Darfur – and by attacks on humanitarian aid convoys: they have also denying

the international community access to rebel-controlled areas, thereby severely affecting the very people they claim to protect. All of this in an attempt to further ratchet up international pressure on the Sudanese government.

Any study of the Darfur crisis must examine the aid issue in some depth. Humanitarian access to displaced communities in Darfur is essential in addressing the crisis. The international community must be aware of the extent to which emergency relief and food aid in such circumstances can and has been manipulated.

The initial bureaucratic difficulties were clear and overcome.⁴²¹ The Government of Sudan would appear to have acted responsibly with regard to humanitarian access to Darfur. The facts speak for themselves. In September 2003, the Government of Sudan and the SLA signed an agreement allowing “free and unimpeded” humanitarian access within Darfur.⁴²² In less than 12 months the Sudanese government had agreed and facilitated an increase in aid workers present in Darfur, from two foreigners and a few dozen nationals in September 2003, to just under 6,000 aid workers – over 700 of them expatriates – by August 2004.⁴²³ By the end of 2004, there were 9,100 aid workers in Darfur.⁴²⁴ By September 2005, the UN was able to confirm that the number of humanitarian workers in Darfur had grown further to around 13,500 and that they were working for 81 NGOs and 13 UN agencies.⁴²⁵

The signing of the April 2004 ceasefire made it safer and thus much consequently easier for aid agencies to operate in Darfur. The UN 2004 end-of-year humanitarian action report stated that “much credit has to be given to the [government] Humanitarian Affairs Ministry whose officials worked tirelessly to enforce the provision of the Joint Communique of 3 July [guaranteeing access].”⁴²⁶

On 6 July 2004, the government issued 15 decrees which included measures to enhance security in Darfur; the establishment of police stations in displaced people camps; to facilitate the ceasefire commission and African Union monitoring force; to streamline the granting of visas for aid workers in Darfur; the exemption of all humanitarian aid imports from any restrictions, customs tariffs or personal fees; the repeal of measures regarding specifications on the humanitarian aid imports into Darfur; to facilitate freedom of movement for those working in the humanitarian aid organizations in Darfur; to facilitate the flow of humanitarian aid to displaced people in Darfur; to exempt

humanitarian aid from the health and medical regulations in Darfur; the exemption of agricultural inputs, fodders, and seeds in Darfur from any restrictions, customs tariffs or personal fees; exemption from import restrictions of humanitarian aid imports into Darfur; to activate the measures regarding the governments of the Darfur states to guarantee the flow of humanitarian aid and humanitarian aid imports into Darfur and to encourage the return of the displaced to their villages; and to facilitate the work of the fact-finding commission in regard to the allegations of human rights violations committed by armed groups in Darfur.

As of October 2004, there were 155 locations assisting with internally displaced people in the three Darfur states, and the World Food Programme is present in 136 of these centres.⁴²⁷ Speaking in June 2004, the outgoing UN Humanitarian Coordinator for Sudan, Mr Kevin Kennedy, confirmed that visas were generally being granted within 48 hours – as promised by the Government of Sudan – and that “people are experiencing very few visa difficulties”.⁴²⁸ That there have been propagandistic attempts to claim that the government was deliberately blocking access to Darfur by aid workers is apparent. The United Nations Under-Secretary-General for Humanitarian Affairs, Mr Jan Egeland, speaking in July 2004, commented on some of these claims. He said: “It is strange to see that there is still the notion in the world that nothing is happening and we’re completely blocked from accessing Darfur. We are reaching some 800,000 people at the moment with some sort of assistance and food.”⁴²⁹ By September 2004, the World Food Programme was feeding some 940,000 conflict-affected people in Darfur.⁴³⁰ The presence of over 13,000 aid workers in Darfur provides clear evidence of the Khartoum government’s commitment to the provision of food and medical relief to Darfur’s war-affected communities.

The international community must be aware of the extent to which humanitarian issues can be manipulated for political effect.⁴³¹ For rebels a humanitarian crisis is a no-lose situation. A humanitarian crisis always reflects badly on the government in the country affected. And a humanitarian crisis is something which can be created and deepened. One of the goals of most insurgencies is to internationalise the conflict to which they are a party. One of the easiest means of doing so is to provoke a humanitarian crisis. This is precisely what the Darfur rebels succeeded in doing. Merely starting the war

in Darfur initiated a humanitarian crisis in western Sudan. The escalation of the conflict and the government's response to it led to a deepening crisis and considerable displacement of populations – a feature of most wars. The rebels, however, have deliberately sought to heighten the humanitarian crisis they created by starting the war by additionally seeking to escalate food insecurity knowing full well that this would be the focus of immediate international attention. As early as July 2003, for example, the UN news service reported on rebel attempts to disrupt food security in the affected areas: “SLA rebels regularly attacked and looted villages taking food and sometimes killing people...The attacks present a real threat to people's food security and livelihoods, by preventing them from planting and accessing markets to buy food.”⁴³²

The provision of humanitarian relief such as food aid and medical supplies has historically also been a bonus to rebel movements. Firstly, international access impinges upon the national sovereignty of the country concerned, a net propaganda victory for anti-government forces as it brings with it international attention. Secondly, international agencies provide food and emergency supplies which help to sustain communities within rebel-controlled areas and can often be diverted by rebel forces. It was widely acknowledged, for example, that vast amounts of food aid were diverted during the war in southern Sudan. In July 1998, in one instance, the Roman Catholic Bishop of the starvation-affected diocese of Rumbek, Monsignor Caesar Mazzolari, stated that the SPLA were diverting 65 percent of the food aid going into rebel-held areas of southern Sudan. Agence France Presse also reported that: “Much of the relief food going to more than a million famine victims in rebel-held areas of southern Sudan is ending up in the hands of the Sudan People's Liberation Army (SPLA), relief workers said.”⁴³³ It is also clear that rebel forces in Darfur are also directly misappropriating food aid and equipment stolen from relief agencies. This is a point made by humanitarian aid expert, Professor Sarah Kenyon Lischer. Interviewed in January 2005, she noted that: “Recently, the World Food Program has had over a dozen of its trucks hijacked. And the aid that was on those trucks has been stolen. The trucks reportedly have been repainted and used for military purposes by the rebels. And so that's just a very obvious way that aid can be used for war.”⁴³⁴ That this had happened was confirmed by the United Nations: “The United Nations said it was also

concerned about reports that Darfur-based rebel forces have stolen 13 commercial all terrain trucks leased to WFP and loaded with food in the last two weeks. These thefts are in addition to multiple losses of commercial and aid agency vehicles to armed groups in recent months, [the UN said]. More alarming are reports that the rebel group that stole them may now be using some of these trucks for military purposes, it said.”⁴³⁵ The UN Sudan Envoy Jan Pronk stated: “Such misuses of humanitarian assets should cease immediately. All trucks and other equipment taken by armed groups from humanitarian organizations should be returned without delay so that relief operations are not hindered further.”⁴³⁶

From the earliest days of the insurgency, the rebels have sought to escalate humanitarian access difficulties by deliberately targeting aid workers. They murdered nine World Food Programme truck drivers, and wounded 14 others, in an attack on a relief convoy in October 2003.⁴³⁷ All this followed a set pattern by rebels in other parts of Sudan, tactics which have previously succeeded in creating a humanitarian crisis in southern Sudan. The veteran American journalist Robert Kaplan noted, for example: “On June 1, 1986, twelve Kenyan truck drivers bringing food into the south from the Ugandan border town of Nimule were ambushed... The drivers were bound by ropes to their steering wheels, and then grenades were lobbed at the trucks. This put a virtual halt to the World Food Program’s overland relief operation. Only 600 of the 90,000 tons had been delivered.”⁴³⁸

In November 2003 the Government accused rebels in Darfur of killing two of its relief workers and abducting three others in an attack on an aid convoy. Humanitarian Aid Commissioner Sulaf Eddin Salih said his government is worried about the “continued” rebel attacks which he said “threaten the humanitarian operations and result in losing human lives and worsening the humanitarian situation”. He appealed to the international community to intervene to halt and denounce the “repeated” armed operations on the humanitarian assistance convoys.⁴³⁹

Put quite simply, insecurity severely curtails humanitarian aid access. In the words of a UN humanitarian relief spokesman: “You can’t give aid when there are bullets flying.”⁴⁴⁰ In January 2004, for example, UN media sources reported that “about 85 percent of the 900,000 war-affected people in Darfur...are inaccessible to humanitarian aid...mainly because of

insecurity.”⁴⁴¹ In December 2003, the UN quoted the government as saying “The problem is in areas controlled by the SLM. Our experience has made us hesitant to send relief to areas under the SLM because of kidnapping and attacks on trucks.”⁴⁴² In October 2003, in the wake of the above-mentioned attacks, the United States government asked the Sudanese government for help with security and access.⁴⁴³ One month later, rebel gunmen killed two other relief workers and abducted three others.⁴⁴⁴ Rebels have also kidnapped other relief workers. In a further example of interference with humanitarian work, JEM gunmen admitted abducting five aid workers working for the Swiss humanitarian group Medair.⁴⁴⁵

On 11 February 2004, JEM declared its intention to close down every road within Darfur. It would have been aware of the devastating consequences this would have on the ability of the government and aid agencies (national and international) to provide emergency assistance to those communities suffering in Darfur. This was at precisely the same time, in February 2004, as the United Nations high commissioner for refugees warned of a humanitarian catastrophe in Darfur. Médecins Sans Frontières had also warned that there was not enough food or water in the desert region.⁴⁴⁶

In February 2004, the minister of state at the ministry for humanitarian affairs, Mohammed Youssef Moussa, commented on an attack on Save the Children: “It is true that (the rebels) have started causing damage and today, in particular, they planted a land mine near the town of Ambro that went off, wounding a lorry driver and his assistant. The lorry was carrying medical supplies and belonged to Save the Children Fund-UK. So if this is what they are talking about, then they are...abandoning all humanitarian principles.”⁴⁴⁷

In early January 2004 the Sudanese government said its troops were trying to secure deliveries of humanitarian aid to people caught up in the Darfur conflict. The ministry of humanitarian affairs said a government delegation had completed a nine-day tour of West and South Darfur states during which it had examined the obstacles hindering the delivery of assistance to parts of the region. The ministry stated that the obstacles included insecurity and instability. The delegation said the government armed forces “are working to tighten their grip on the situation” which would ease the delivery of relief supplies to some areas. The delegation instructed the offices of the

Humanitarian Aid Commission (HAC) in Darfur to speed up distribution of relief supplies.⁴⁴⁸

On 10 February 2004, the United Nations said that aid access had improved within Darfur. The UN spokesman for the humanitarian coordinator for Sudan, Ben Parker, stated: "There are signs and indications that we will be able to reach more places in the coming weeks and the government is assuring us that the access situation will improve." The government had told aid agencies that it had opened 10 new corridors in Darfur for relief convoys to move through.⁴⁴⁹ The UN Emergency Relief Coordinator, Jan Egeland, described the agreement with the Sudanese government to provide improved aid access to Darfur as a breakthrough.⁴⁵⁰ As part of the UN-government agreement, on 18 February 2004, the UN announced that a 13-person UN logistical team arrived in Darfur to assess humanitarian needs in the area. The team would assess aid requirements in the cities of Nyala, al-Geneina and al-Fasher as UN agencies work to deliver and pre-position food, water and medical supplies for around 250,000 displaced people.⁴⁵¹

Rebel attacks on relief convoys continued. A senior UN official in Sudan stated in February 2004 that rebels have made it too dangerous to take aid into parts of Darfur. Aid convoys were still being attacked by armed groups. The spokesman also cited the danger of landmines."⁴⁵² In March 2004, the Sudanese government held rebels responsible for blocking deliveries of humanitarian aid in Darfur. Deputy Foreign Minister al-Tigani Salih Fidhail said: "The armed groups constitute the main obstacle to the delivery of relief in Darfur." He called on the international community to hold the rebels "fully responsible".⁴⁵³

A high-level UN humanitarian assessment mission, under the leadership of World Food Programme Executive Director James Morris, visited Darfur in late April 2004. Rebel attacks on aid workers continued. At the same time the SLA attacked a humanitarian convoy and abducted and murdered a traditional leader of the Zaghawa, Abdel Rahman Mohammain, whose communities would have received this assistance.⁴⁵⁴ The International Crisis Group noted continuing rebel obstruction in May 2004: "The SLA issued several statements in the first half of May to the effect that it will refuse to allow into areas it controls any humanitarian relief that originates in government-controlled areas – where most UN and international NGOs are based."⁴⁵⁵

In early June 2004, Associated Press reported the abduction by rebels of 16 aid workers. Those kidnapped worked for the International Rescue Committee, Save the Children UK, the UN Office for the Coordination of Humanitarian Affairs (OCHA), United Nation's World Food Programme, UNICEF, the Norwegian Refugee Council, ECHO, the Humanitarian Aid Office of the European Commission, and Sudan's Humanitarian Aid Commission. They were stopped while they were conducting assessments to prepare the way for delivery of relief assistance for displaced people in the vicinity of Al Hilief in North Darfur despite driving vehicles clearly bearing the UN insignia.⁴⁵⁶ They were eventually released by the rebels. The UN Emergency Relief Coordinator, Jan Egeland, condemned the detention and delayed release of the 16 aid workers as "totally unacceptable" and "contradicts solemn promises" made by the SLA. Egeland said: "Too much time has already been lost in this race against the clock to save more than a million lives threatened by indiscriminate violence, starvation and disease." The UN stated that "[t]he incident not only threatened the safety and security of humanitarian workers, but has interrupted and delayed aid to desperately needy civilians in Darfur."⁴⁵⁷

On 8 June 2004, Agence France Presse reported that rebels had seized nine trucks loaded with relief items, medicines and tents on the road between Nyala and al-Fasher. The rebels abducted four of the drivers and beat a fifth one.⁴⁵⁸ Later that month, rebels attacked a humanitarian relief convoy in Darfur, stealing 57 tons of UN food aid. Ibrahim Hamid, the minister of humanitarian affairs, said: "These types of rebel action are the most serious threat to the humanitarian and security situation."⁴⁵⁹

In the first week of July, the SLA attacked 26 aid workers, working for Save the Children UK, delivering emergency assistance in northern Darfur. They also stole six vehicles and a large amount of cash. On 13 July 2004, the British government publicly urged Sudanese rebels to return the stolen vehicles.⁴⁶⁰ It was reported on 12 July 2004 that rebels had attacked several towns in north Darfur. These had included Al Liayet, Al Towaiha and Um Keddada. Several civilians had been killed, and a judge and bank manager had been kidnapped. The government of North Darfur stated that there had been over 50 rebel violations of the Ndjamena ceasefire agreement.⁴⁶¹ At about the same time rebel militias were also accused of kidnapping 32 children during attacks on several villages.⁴⁶²

There were a number of systematic rebel attacks on aid workers in August 2004. The African Union confirmed that, on 22 August, SLA forces had abducted humanitarian affairs workers on their way to a meeting in the Abgaragil area, and that on 23 August rebels had abducted medical aid workers engaged in an inoculation campaign in Kutum.⁴⁶³ At the end of August 2004, Darfur rebels abducted six aid workers in north Darfur. Three were from the World Food Programme and three from the Sudanese Red Crescent. WFP condemned the targeting of humanitarian workers. WFP Senior Deputy Executive Director Jean-Jacques Graisse said that WFP was “delighted that our people, as well as those working for the Sudanese Red Crescent, have been freed unharmed. This is not, however, the first time that humanitarian workers have been targeted in Darfur. At a time when all agencies are battling the rainy season, poor infrastructure and an unpredictable security environment to deliver desperately needed humanitarian assistance, this kind of incident can only further worsen the plight of the needy in Darfur. We call upon all armed groups in the region to stop targeting those involved in humanitarian work and allow them to do their duty without fear of intimidation. Any continuation or escalation of incidents such as the one just resolved is likely to have far-reaching consequences for the relief operation.”⁴⁶⁴ On 31 August 2004, JEM insurgents detained 22 Sudanese health workers near Nyala in south Darfur.⁴⁶⁵ In late August, the United Nations humanitarian coordinator for Sudan, Manuel Aranda da Silva, stated that he was encouraged by Sudan’s actions to improve the humanitarian situation in Darfur.⁴⁶⁶

In October 2004, the Sudanese government’s chief negotiator at Abuja, Dr Majzoub al-Khalifa, warned that the rebels were seeking to worsen affairs in Darfur: “They need to stimulate all these governments and all these organizations on their side by making the situation worse on the ground.”⁴⁶⁷ October also saw rebel threats to kill aid workers.⁴⁶⁸ Two other Save the Children workers, one British and one Sudanese, were killed in October by a landmine laid by SLA rebels.⁴⁶⁹ The United Nations special envoy to Sudan Jan Pronk unambiguously confirmed rebel involvement in these deaths: “It was the rebels who are responsible for attacking relief workers and convoys, they are responsible for...landmines which killed two relief workers.”⁴⁷⁰

That same month, the United Nations reported that “UN spokesman Fred Eckhard said in New York that the operations of humanitarian agencies in

North Darfur State have become limited because some roads remain closed to them. Other areas have become dangerous for transporting aid supplies. Last Saturday, forces from the rebel Sudan Liberation Army (SLA) hijacked seven commercial trucks on a road about 120 kilometres east of the state capital El Fasher.⁴⁷¹ A spokeswoman for the UN Advance Mission in Sudan (UNAMIS) stated that “[t]he repeated ceasefire violations of the past month have had a very serious impact on the UN’s ability to deliver humanitarian assistance to affected populations.”⁴⁷²

In mid-November 2004, the United Nations said that nearly 200,000 needy people, especially in the mountainous Jebel Marra area in central Darfur and the northern part of North Darfur, had been cut off from relief aid because of escalating violence. The German press agency reported: “The U.N. said tension in the region had risen as rebel groups, in particular the Sudan Liberation Army (SLA), had increased their operations in an apparent attempt to claim more territory.” The Humanitarian Coordinator for Sudan, Manuel Aranda da Silva, said an estimated 150,000 people have been driven from their homes due to the escalating violence during the past month. The UN also reported several attacks on buses and aid convoys around Darfur. Travellers had been abducted and even killed and vehicles looted by the attackers.⁴⁷³ By the end of November, *The New York Times* was reporting that the rebels had been “sharply ratcheting up attacks” which in turn was preventing relief work.⁴⁷⁴

In November 2004 the rebels were accused of attacking a joint WHO/Ministry of Health medical team. One doctor was killed and four other health workers were injured. The team was also robbed.⁴⁷⁵ In the same month both the Dublin-based GOAL aid agency and the Spanish branch of Médecins Sans Frontières were forced to withdraw their staff from the Jebel Marra area in central Darfur after “repeated” rebel acts of aggression targeting the humanitarian personnel and the relief supplies intended for people in need.⁴⁷⁶ Both MSF and GOAL complained that rebels had attacked their vehicles.⁴⁷⁷ On 27 November 2004, *The New York Times* revealed the degree of rebel obstruction of aid delivery and aid workers: “On the ground, many aid workers, too fearful of giving their names for fear of jeopardizing their work, say that rebel officials have made unreasonable demands on aid groups operating in their territory, at one point insisting on a certain number of expatriates to accompany Sudanese staff, whom rebels distrust as potential government spies.

Aid workers have also been detained in rebel territory in recent months.”⁴⁷⁸

Amnesty International noted a similar pattern of rebel activity: “over the past two months, a number of World Food Program commercial trucks have been attacked in South Darfur.”⁴⁷⁹ It also noted that: “After Sudan Liberation Army forces reportedly hijacked seven commercial trucks east of al-Fasher on 23 October, the road between al-Fasher and Um Kedada in North Darfur was closed and has only just been re-opened. Because of heavy fighting in the area, the road between al-Fasher and Kutum remains a no-go zone.”

In early December 2004, *The Christian Science Monitor* confirmed the results of rebel action: “[R]ecently they’ve stepped up attacks and have even looted international aid convoys. The violence adds to the instability – and to aid groups’ growing inability to help the displaced millions.”⁴⁸⁰ Two Save the Children aid workers, members of a mobile medical clinic, were murdered by rebels on 12 December 2004. They were deliberately shot dead in an attack on an aid convoy. The director of Save the Children’s international operations said: “We deplore this brutal killing of humanitarian workers in Darfur.” The charity said its vehicles were clearly marked as belonging to Save the Children.⁴⁸¹ The African Union and United Nations confirmed the SLA’s responsibility for the deaths of the aid workers. In addition to the murdered aid workers, one other worker was injured and three are missing. African Union officer Nigerian Major-General Festus Okonkwo stated: “SLA was involved in the attack as two Land Rovers belonging to Save the Children (UK) were recovered from [the] SLA camp in Jurof.”⁴⁸² Rebel involvement in the murders was established by the UN.⁴⁸³ In mid-December the United Nations suspended aid operations in South Darfur in December in the wake of these murders.⁴⁸⁴ *The Guardian* reported that an aid worker was shot on the same road in the summer but survived.

The UN Envoy to Sudan, Jan Pronk, said of the rebel attacks and interference with aid deliveries: “They have to stop. Otherwise they are blocking access to the very people they say they are protecting.”⁴⁸⁵ In December 2004, Sudan’s Minister for Humanitarian Affairs, Mohamed Yusif Abdallah, made the obvious point that “[w]here the rebels create insecurity, it is not the government denying access.”⁴⁸⁶ The United Nations *Darfur Humanitarian Profile* released in December 2004 has stated, for example, that: “Despite prevailing insecurity in the three Darfur States, 79% of Darfur conflict affected

population is currently accessible to UN humanitarian workers. *Most of the underserved areas remain rebel-held, many of which have not been accessible to UN agencies because of a series of security incidents and a delay in obtaining SLA agreement and understanding of humanitarian rules and principles laid out in agreements.*"⁴⁸⁷ [Emphasis added] The rebels are endangering the lives of hundreds of thousands of civilians already malnourished and badly affected by the conflict in Darfur.

On 15 December 2004, the United Nations reported further rebel attacks on food aid convoys: "WFP reports that food distribution has been seriously disrupted by ongoing insecurity. On 18 December 2004, the SLA detained a total of 13 trucks. Five of them were released on the same day but the rest were kept until 21 Dec...the disruption affected food distribution in Marla and Sania Fundu. Food assistance has also been halted in Labado, Al Juruf, Muhujarija, Khor Abechi, Manawashi, Mershing, Rokero and Gildo Labado."⁴⁸⁸

On 22 December 2004, *The New York Times* has also reported that: "The chaotic situation in Darfur has hampered the work of agencies trying to reach the estimated 2.3 million people who rely on aid to survive. Aid organizations in the region say rebels have been attacking convoys carrying aid and goods along the road between Nyala and El Fasher, where two Save the Children UK workers were killed recently."⁴⁸⁹

Ongoing rebel attacks, particularly that on the market town of Ghubaysh on 27 December, had disastrous effects on the delivery of food aid to affected communities. The United Nations noted:

The World Food Programme (WFP) has suspended food convoys to the Darfur States following a large scale attack yesterday by rebel forces on the market town of Ghubaysh...WFP has halted three convoys of seventy trucks carrying more than 1,300 MT of WFP food aid destined for El Fasher and Nyala...this recent insecurity has cut off assistance to some 260,000 people who will miss their December rations in the South Darfur as well as eastern parts of West Darfur...Notably, it is the second attack by the SLA since 19 December when the Government of Sudan agreed to an immediate cessation of hostilities. This latest insecurity has serious

consequences for the UN and NGOs operations in Darfur, as it effectively blocks overland access from central Sudan to the Darfur region. This has a particular impact on WFP's provision of life-saving food aid, as it must rely heavily on road deliveries to support its Darfur humanitarian operation. The United Nations is also concerned about reports that Darfur-based rebel movement forces have stolen in the last two weeks thirteen commercial all terrain trucks leased to WFP, loaded with urgently required WFP food commodities for the affected people of Darfur dedicated to the transportation of food aid to Darfur... The latest thefts are in addition to multiple losses of commercial and aid agency vehicles to armed groups in recent months. More alarming are reports that the rebel groups that stole them may now [be] using some of these trucks for military purposes.⁴⁹⁰

A World Food Programme spokeswoman said: "The attacks followed a week of insecurity in Darfur and this has caused difficulties, in terms of providing assistance. It will delay urgently required food for 260,000 people in South Darfur and the eastern parts of West Darfur."⁴⁹¹ UNAMIS noted that the rebel attack on Ghubaysh was "the second carried out by the rebels since 19 December, when the Sudanese government agreed to an immediate cessation of hostilities". The UN Envoy to Sudan concluded: "The problems of Darfur cannot be solved through military means. The parties to the conflict have to live up to their commitments, including their responsibility to ensure the safety and wellbeing of their own people and their unhindered access to humanitarian assistance."⁴⁹²

The rebels' murder of aid workers has served to intensify the humanitarian crisis in Darfur with the ultimate rebel aim of forcing some sort of military intervention. It has gone hand-in-hand with the SLA's deliberate breaking of ceasefire agreements with attacks in northern Darfur. This precipitated the current humanitarian crisis in Darfur. Associated Press reported that: "The United Nations has condemned a rebel attack in Darfur province, saying it violates a cease-fire agreement and jeopardises the lives of tens of thousands of people who will not receive aid because of the fighting."⁴⁹³ The international community has roundly condemned these rebel actions.⁴⁹⁴ These systematic

rebel attacks have placed hundreds of thousands of war-affected communities in danger of starvation. The Director of Save the Children UK, Mike Aaronson, stated that: “We are devastated that we are unable to continue to offer health care, nutritional support, child protection and education to the approximately 250,000 children and family members served by our current programs. However, we just cannot continue to expose our staff to the unacceptable risks they face as they go about their humanitarian duties in Darfur.”⁴⁹⁵

Erwin Van Der Borcht, deputy director of Amnesty International’s Africa programme, has also noted the effect of rebel attacks: “Attacks knowingly and intentionally directed against personnel involved in humanitarian assistance in armed conflict may constitute war crimes. Insecurity within Darfur hinders movement to whole districts, so that food, medicine and other non-food items can not be brought in. This increases enormously the sufferings of an already vulnerable population.” Amnesty International noted that “After such attacks, the district or road is likely to be declared a no-go area for international humanitarian staff for several days” and pointed out that it stopped aid reaching “thousands” of displaced people.⁴⁹⁶

On 31 December 2004, *The Daily Telegraph* reported that SLA attacks in December had “forced the United Nations to suspend supply convoys into Darfur”: “The SLA attacks seemed to be designed to isolate Darfur. The rebels struck police stations in the town of Ghibaish and al-Majroun in the neighbouring province of West Kordofan, killing 99 people. The ensuing battle closed Darfur’s main communication artery.”⁴⁹⁷

In his January 2005 report on Darfur, the United Nations Secretary-General reported on what he termed a “new trend” in the pattern of attacks on, and harassment of, international aid workers: “While previous incidents have only been aimed at looting supplies and goods, December has seen acts of murder and vicious assaults on staff, forcing some agencies to leave Darfur.”⁴⁹⁸ The Secretary-General’s February 2005 assessment of the preceding six month period with regard to the rebel movements was also bleak: “Their attacks on police have increased and often seemed intended to invite retaliation. These attacks and provocation have at times indirectly impaired humanitarian access. Some rebel groups have directly impeded humanitarian work by looting cars and trucks and putting pressure on, or even abducting national staff of

humanitarian organizations. Many of these actions have severely reduced delivery of assistance.”⁴⁹⁹

In his January 2005 report the Secretary-General noted that Save the Children UK had decided to cease its operations in Darfur and to withdraw its 350 staff members due to the murder of four of its staff by Darfur rebels.⁵⁰⁰ In January, the United Nations further noted: “The level of humanitarian access has continued to decline in SLM/A- and JEM-controlled areas due to the frequent lack of cooperation by field commanders and a lack of communication between them and their leadership. While work does continue in some of these areas, much more assistance is required and cannot be provided while SLM/A and JEM commanders continue to restrict movements and place unnecessary and impossible conditions on humanitarian agencies.” In January 2005 the UN Secretary-General noted that “rebel-held areas in north and south Darfur remain the least accessible for humanitarian agencies.”⁵⁰¹

In February 2005, the UN Secretary-General reported that: “Rebel groups have also detained and harassed humanitarian workers and confiscated humanitarian assets, such as vehicles and water drills. Allegations of political and proselytizing activity directed at NGOs, largely unfounded, are counterproductive and risk undermining the critical efforts of those brave and resourceful organizations that work together with the Sudanese to address the humanitarian crisis in Darfur.”⁵⁰² He also stated that on two occasions in February 2005, clearly marked UN WFP helicopters came under heavy machine-gun fire passing by Siyah en route to Malha Wells in North Darfur. The SLA admitted that they had fired on the second occasion and the Secretary-General stated that “one may assume its responsibility for the first incident as well.” He further noted that African Union peacekeepers had come under fire on no fewer than seven occasions in February: “No excuse or explanation offered by the SLM/A leadership can possibly justify their forces firing on aircraft or vehicles that are clearly marked as belonging to the United Nations, the African Union or relief agencies and organizations. I condemn these acts.”⁵⁰³

In his March 2005 report, the UN Secretary-General stated that “Relief workers continue to face dangerous challenges. On 21 February, seven staff members of an international NGO were detained overnight by the National Movement for Reform and Development (NMRD) rebels in Arosharo, near the Jebel Moon area...”⁵⁰⁴

In his April 2005 report, the UN noted that access to SLA-held Dar Zaghawa in North Darfur was held up for three weeks. The Secretary-General also noted that “incidents targeting humanitarian supplies and personnel on major roads have rendered the movement of supplies erratic and inconsistent, affecting assistance to beneficiaries. A peak in the number of attacks on commercial trucks used by WFP was reported in March, especially on the two major road routes into Darfur. A sizeable proportion of these security incidents have been carried out by SLA elements; the balance are attributable to bandits or militias. . . . The Government of the Sudan also took steps to move in convoy from Ed Da’ein to Nyala a backlog of 250 trucks that had built up because of the insecurity.”⁵⁰⁵

The African Union noted in April 2005 that “the armed Movements have been involved in a number of attacks against commercial convoys land humanitarian organizations, as well as continued acts of harassment of relief workers.” The Chairperson of the Commission of the African Union urged the rebels “to put an end to these actions, which run contrary to the letter and spirit of the Agreements they had signed. Failure by the Movements to take immediate and remedial action can only but cast a doubt on their willingness or ability to end the conflict in Darfur and the suffering of the civilian population.”⁵⁰⁶

The UN reported that in May 2005 the rebel movements became “increasingly obstructionist. . . towards relief workers. . . SLA, in particular, was involved in a number of incidents that delayed or diverted the passage of humanitarian supplies or personnel.”⁵⁰⁷

The United Nations reported that in May the “SLA ambushed several convoys and vehicles belonging to or engaged by humanitarian organizations along the Kabkabiya-El Fashir road. . . . During the reporting period, continued insecurity and banditry on the Ed Daein-Nyala road (Southern Darfur) seriously hampered access for humanitarian relief operations. Trucks belonging to the World Food Programme (WFP) were looted regularly by armed bandits on this road during the beginning of May, and two drivers were murdered on 8 May. In addition. . . five non-governmental organization staff members were abducted and held for three hours by suspected SLA elements in Sanamanaga in Southern Darfur.”⁵⁰⁸

In his July 2005 report on Darfur, the UN Secretary-General noted that

the rebel movements were “actively seeking to hinder relief...activities.”⁵⁰⁹ The UN reported that SLA and JEM rebels attacked humanitarian convoys in the month of June.⁵¹⁰

The Secretary-General’s August 2005 report stated that rebel activities were “jeopardizing humanitarian activities”. He noted that: “The abduction of national staff of non-governmental organizations reached alarming proportions at the beginning of July, with 10 members of non-governmental organizations being held by SLA. Six people have been released, but four individuals abducted in Western Darfur are still being detained. The armed movements also abducted teams from the Ministry of Health carrying out polio vaccinations in Northern and Southern Darfur. Though they subsequently released the drivers, they have not returned the cars. As a result, this vaccination campaign was not able to reach people living in some areas where SLA is active.”⁵¹¹

Rebel attacks on humanitarian workers and vehicles escalated in September and October 2005. In mid-October, the UN spokesperson in Khartoum noted that “the issue of looting and banditry is taking quite serious proportions. We have been monitoring this phenomenon since it started and I can tell you that I remember days when we could have one incident of banditry in one week in the whole of Darfur. Now we have lost count, and when I look at our reporting, I can tell you how many because there are so many.”⁵¹²

The rebel movements have also extended their activities into IDP camps within government-administered areas in Darfur. They have launched attacks from within camps on policemen protecting IDPs, have encouraged unrest amongst IDPs and have discouraged IDPs from returning back to the places of origin. Rebel agitators have also discouraged attempts by humanitarian organisations to obtain accurate figures for people within IDP camps. In January 2005, for example, the African Union placed on record that the rebels were active within IDP camps, activities which endangered civilians and aid workers: “[I]t is worth mentioning reports of an increase in the recruitment and control of IDPs by SLM/A and JEM, which is undermining the safety of those populations and that of humanitarian and human rights workers.”⁵¹³ The UN Secretary-General also noted that the SLA had abducted and threatened humanitarian personnel at the Zam Zam IDP camp near al-Fashir in North Darfur.

In August 2005, the UN stated with regard to unrest within IDP camps in West Darfur that:

[i]nsecurity in camps for internally displaced persons in Western Darfur is a major concern. On 8 July, the registration process was violently disrupted in seven out of eight such camps around Geneina and 10 humanitarian workers were wounded. Violent incidents again took place on 16 July during a food distribution in Mornei camp, where exchanges of gunfire between armed elements and Government police killed 2 and injured 15 to 20 people. Most humanitarian staff were forced to evacuate the camp. On both occasions, there was strong evidence of incitement by sheikhs within the camp, whose manipulation of the ration-card system is threatened by the registration process. As a result, the delivery of humanitarian relief activities has been seriously affected.⁵¹⁴

It is equally clear that it is in the rebel movements' interest for the numbers of IDPs in camps to continue to be artificially inflated. In October 2005, the UN reported that the registration in the Geneina camps, town and surrounding villages had been resolved with the assistance of the government. The UN noted that the problem had been one in which "corrupt internally displaced person leaders had misappropriated humanitarian assistance for many months".⁵¹⁵ It also noted that a number of camps, including Kalma camp in North Darfur, still needed to undergo a re-registration process.

Chapter Four

ALLEGATIONS OF GENOCIDE IN DARFUR

I don't think that we should be using the word "genocide" to describe this conflict. Not at all. This can be a semantic discussion, but nevertheless, there is no systematic target – targeting one ethnic group or another one. It doesn't mean either that the situation in Sudan isn't extremely serious by itself.

*Dr Mercedes Taty, Médecins sans Frontières
deputy emergency director*⁵¹⁶

Our teams have not seen evidence of the deliberate intention to kill people of a specific group.

*Médecins sans Frontières – France President
Dr Jean-Hervé Bradol*⁵¹⁷

In September 2004, the American Secretary of State, Colin Powell, declared that events in Darfur constituted “genocide”.⁵¹⁸ This was despite having stated two months previously that events in Darfur did not “meet the tests of the definition of genocide”.⁵¹⁹ His September flip-flop, in the lead-up to the US elections, was widely seen as both an attempt to divert media attention away from the disastrous events in Iraq and to pander to the large and well-established anti-Sudan and anti-Muslim constituencies within the United States.⁵²⁰ It appears that the Administration had decided that it was to its electoral advantage for the sensationalism and inaccuracy that have obscured events in Darfur to continue. It was a simple enough equation. The 2004 US election was going to be a very close run affair.⁵²¹ The war in Iraq was a key electoral issue, and that war continued to go badly.⁵²² The day before Powell’s Darfur comments had seen the American military death toll in Iraq since 2003 reach over one

thousand.⁵²³ Darfur was useful to Republican party strategists for very simple reasons. The more US television coverage and column inches devoted to Darfur at the time, the less media time focused on the worsening situation in Iraq. While ultimately coming down to sheer electoral opportunism, Powell's use of the genocide word has undoubtedly further tarnished the image of the American government.⁵²⁴ The American record for crying wolf, in the wake of the Iraqi weapons of mass destruction fiasco, has not improved.⁵²⁵

That this move was a cynical one appeared to have been borne out almost immediately. Bizarrely, having made a public declaration of genocide before the Senate Foreign Relations Committee, Powell then stated that “[n]o new action is dictated by this determination... So let us not be too preoccupied with [it]”.⁵²⁶ This lack of concern can also be seen as an indication that the declaration of genocide was made more as the result of internal political pressure and politics and less on the reality of events. French academic, and noted Khartoum critic, Gérard Prunier, states that he was “assured that Secretary of State Colin Powell had practically been ordered to use the term ‘genocide’ during his high profile 9 September 2004 testimony to the Senate Committee on Foreign Relations but that he [had] also been advised to add in the same breath that this did not oblige the United States to undertake any sort of drastic action... Thus President Bush tried to be all things to all men on the Sudan/Darfur question... Predictably the interest level of US diplomacy on the Sudan question dropped sharply as soon as President Bush was re-elected.”⁵²⁷

De Waal has examined some of the American domestic pressure pushing for Darfur to be labelled as genocide:

The impetus for the genocide ruling did not come from Washington's neocons, but rather from liberal human rights activists and members of the religious right. The origins of this coalition lie both in genuine outrage at the conditions of life in Sudan, but also in the politics of support for the SPLA... which intersected with influence trading in Congress [bringing] together the Black Caucus, the Israeli lobby, the religious right (for whom Sudan is a crusade) and the human rights groups... Several of these groups were frustrated that the State Department, under the Republicans, had switched from a policy of regime change in Khartoum to a pursuit of a negotiated peace for Southern Sudan.⁵²⁸

This was confirmed by John Danforth, President Bush's special envoy to Sudan and subsequently US ambassador to the United Nations. In a July 2005 BBC interview he stated that the use of the genocide label "was something that was said for internal consumption within the United States". When asked whether he meant the Christian Right, Danforth agreed.⁵²⁹

An aid worker interviewed by *The Observer* newspaper touched on the apparent lack of concern shown by Powell: "It suited various governments to talk it all up, but they don't seem to have thought about the consequences. I have no idea what Colin Powell's game is, but to call it genocide and then effectively say, 'Oh, shucks, but we are not going to do anything about that genocide' undermines the very word 'genocide'."⁵³⁰ In late September 2004 the Secretary of State Colin Powell admitted that the Bush Administration was alone in having alleged that genocide was happening in Darfur: "I must say, I am disappointed that not more nations have made this clear statement of what's happening there."⁵³¹

Understandably, given its transparent political opportunism, many in the international community have shunned the American declaration. The United Nations Secretary-General Mr Kofi Annan, for one, contradicted American claims: "I cannot call the killing a genocide even though there have been massive violations of international humanitarian law."⁵³² The African Union's position was clearly outlined by its then Chairman, Nigerian President Olusegun Obasanjo. In early December 2004, President Obasanjo stated that events in Darfur did not constitute genocide: "Now, what I know of Sudan it does not fit in all respects to that definition. The government of Sudan can be condemned, but it's not as ... genocide." Obasanjo stated that "the real issue of Darfur is governance. It is a political problem which has mushroomed into a military (one) when the rebels took up arms."⁵³³ Speaking at a press conference at the United Nations Headquarters in New York on 23 September 2004, President Obasanjo had previously stated: "Before you can say that this is genocide or ethnic cleansing, we will have to have a definite decision and plan and program of a government to wipe out a particular group of people, then we will be talking about genocide, ethnic cleansing. What we know is not that. What we know is that there was an uprising, rebellion, and the government armed another group of people to stop that rebellion. That's what we know. That does not amount to genocide from our own reckoning. It amounts to of

course conflict. It amounts to violence.” This echoed an earlier African Union conclusion in July 2004 that “Even though the crisis in Darfur is grave, with unacceptable levels of death, human suffering and destruction of homes and infrastructure, the situation cannot be defined as a genocide.” It should also be noted that the African Union had hundreds of observers on the ground throughout Darfur, whose first-hand observations would have shaped President Obasanjo’s conclusions.

Similarly, the European Union’s fact-finding mission concluded that, although there was widespread violence, there was no evidence of genocide. A spokesman for the mission stated: “We are not in the situation of genocide there. But it is clear there is widespread, silent and slow, killing going on, and village burning on a fairly large scale.”⁵³⁴

Of considerably more significance, perhaps, has been the fact that Washington’s genocide claims have been pointedly criticised by well-respected humanitarian groups such as Médecins Sans Frontières (MSF, also known as Doctors Without Borders).⁵³⁵ MSF-France President Dr Jean-Hervé Bradol subsequently described American claims of genocide in Darfur as “obvious political opportunism”.⁵³⁶ Dr Bradol had previously stated that the use of the term genocide was inappropriate: “Our teams have not seen evidence of the deliberate intention to kill people of a specific group. We have received reports of massacres, but not of attempts to specifically eliminate all the members of a group.”⁵³⁷ Dr Mercedes Taty, MSF’s deputy emergency director, who worked with 12 expatriate doctors and 300 Sudanese nationals in field hospitals throughout Darfur at the height of the emergency, has also warned: “I don’t think that we should be using the word ‘genocide’ to describe this conflict. Not at all. This can be a semantic discussion, but nevertheless, there is no systematic target – targeting one ethnic group or another one. It doesn’t mean either that the situation in Sudan isn’t extremely serious by itself.”⁵³⁸

Médecins Sans Frontières is an exceptionally credible observer with regard to allegations of genocide for three reasons. Firstly, MSF was amongst the first humanitarian groups to establish a presence in Darfur as the conflict unfolded. MSF is very heavily involved in the provision of medical and emergency services in all three of the states that make up Darfur, deploying 2,000 staff.⁵³⁹ It has been actively assisting hundreds of thousands of people displaced by fighting throughout the region. Médecins Sans Frontières is also

present and engaged in Chad. MSF, therefore, has a unique institutional awareness of events in Darfur. Secondly, MSF's reputation is quite simply beyond reproach. Médecins Sans Frontières was the recipient of the Nobel Peace Prize in 1999. It has also received numerous other awards recognising its outstanding humanitarian work throughout the world.⁵⁴⁰ And, thirdly, MSF's record with regard to genocide is also unambiguous. Dr Bradol, cited above, headed MSF's programs in Rwanda in 1994, and spent several weeks assisting the surgical team that struggled to remain in Kigali during the genocide. Dr Bradol and MSF called for armed intervention in Rwanda stating "doctors can't stop genocide". Dr Bradol has stated that "Genocide is that exceptional situation in which, contrary to the rule prohibiting participation in hostilities, the humanitarian movement declares support for military intervention. Unfortunately, an international military intervention against the genocide never came to pass and the Rwandan Patriotic Front did not win its military victory until after the vast majority of victims were killed." Given the clear position with regard to genuine genocide taken by Dr Bradol and MSF, their unambiguous position in pointedly criticising allegations of genocide in Darfur is all the more powerful.

Reputable British newspapers have also voiced concern at the claims made by Colin Powell. The London *Observer* newspaper reported that international aid workers in Sudan were claiming that American warnings that Darfur is heading for an apocalyptic genocidal catastrophe, as voiced by the United States Agency for International Development, had been widely exaggerated by Administration officials in Washington. It was claimed that a desire for regime change in Khartoum had coloured their reports. *The Observer* pointed out that American genocide claims had been "comprehensively challenged by eyewitness reports from aid workers and by a new food survey of the region. The nutritional survey of Sudan's Darfur region, by the UN World Food Programme, says that although there are still high levels of malnutrition among under-fives in some areas, the crisis is being brought under control." Many aid workers and officials interviewed by *The Observer* were puzzled that Darfur had become the focus of such hyperbolic warnings when there were crises of similar magnitude in both northern Uganda and eastern Congo.⁵⁴¹ *The Observer* noted that "Concern about USAID's role as an honest broker in Darfur has been mounting for months, with diplomats as well as aid workers puzzled over

its pronouncements and one European diplomat accusing it of ‘plucking figures from the air’.” The newspaper also pointed out that two of USAID’s most senior officials, director Andrew Natsios, a former vice-president of the Christian charity World Vision, and Roger Winter, a former director of the US Committee for Refugees, have long been hostile to the Sudanese government.⁵⁴²

Winter had already attempted, in the course of the civil war in southern Sudan, to use “genocide” propaganda. While he was director of the US Committee for Refugees, the organisation published *Quantifying Genocide in the southern Sudan 1983-1993*.⁵⁴³ As Sudan historian Douglas H. Johnson has noted: “At the release of this report the U.S. Committee for Refugees pre-empted criticism by suggesting that anyone questioning that figure was denying the scale of human devastation. Herein lies the value of the exercise: it is designed to attract attention.”⁵⁴⁴ Johnson then quotes statistical expert David Henige: “Numbers wielded for the immediate benefit of others – whether statistics collected on crowd sizes or numbers of homeless estimated – need have no relation to reality, since it is only the impression that matters.”⁵⁴⁵ Considerable caution, therefore, needs to be exercised before accepting any of the statistical claims made by American-commissioned reports of war-related deaths in Darfur.⁵⁴⁶ In any instance, USAID claims projecting hundreds of thousands of deaths were contradicted by the United Nations 2004 end-of-year report which stated that “The catastrophic mortality figures predicted by some quarters have not materialised”.⁵⁴⁷ Interestingly, while content to use statistical extrapolations and projections in its ongoing propaganda campaign against Sudan on Darfur, Washington has been noticeably shy of accepting any similar statistical extrapolations with regard to its war in Iraq.⁵⁴⁸

In any instance, it is worth noting that once past the American elections the Bush administration has shown markedly less interest in the claims it made. US Deputy Secretary of State Robert Zoellick, for example, has been noticeably reluctant to use the genocide term.⁵⁴⁹ In October 2005, for example, Washington blocked a briefing on Darfur by the UN secretary-general’s special adviser on genocide.⁵⁵⁰

Given the level of international concern about allegations of genocide in Darfur, the United Nations Security Council established the International Commission of Inquiry on Darfur pursuant to Security Council resolution

1564 (2004), adopted on 18 September 2004. A five-member body, chaired by Italian jurist Mr Antonio Cassese, was appointed by the Secretary-General in October 2004. The Commission was tasked “to investigate reports of violations of international humanitarian law and human rights by all parties” and “to determine also whether or not acts of genocide have occurred”. It was requested to report back to the Secretary-General by January 2005. The Commission reported that while there had been serious violations of human rights in Darfur, genocide had not occurred.⁵⁵¹

In her groundbreaking 1999 study of media accountability, *Compassion Fatigue: How the Media Sell, Disease, Famine, War and Death*, Professor Susan Moeller made several points which are borne out by recent media coverage of the Darfur crisis, points relevant to current attempts to label events there as “genocide”. Unlike many journalists, Professor Moeller has asked the key question “How does genocide differ, for example, from ethnic, tribal or civil war?” and warned that “In common parlance and in the media the term genocide has lost its specific meaning and become almost commonplace. It has become synonymous with massacre and gross oppression or repression.”⁵⁵² Charles Lane, writing in *Newsweek*, has also observed: “The world is full of places where one ethnic group is feuding with another...In every case, the fighting is characterized by atrocities, and the victims cry genocide.”⁵⁵³

This is also a point touched on by David White, the Africa editor of *The Financial Times*:

The word genocide is too freely used. Deliberate attacks on civilians, including indiscriminate bombing and executions, can certainly be categorised as war crimes or crimes against humanity. Despite official denials, there is overwhelming testimony that attacks by Arab militia riders have been undertaken in joint operations with government forces. But this is not genocide in the sense of a deliberate plan to kill a whole population group, as happened in Rwanda. A more plausible version is that, by exploiting traditional tensions in the region, the authorities unleashed forces beyond their control and had difficulty coming to terms with the consequences. Clashes between farmers and nomadic herders go back for generations in Darfur. Conflict over land, access to water and the raiding of cattle

have got worse in the past 20 years as a result of drought, desertification and the availability of modern weapons. At its origin it is a conflict about resources, not racial hatred. The standard labelling of ‘Arabs’ as opposed to ‘black Africans’ is misleading inasmuch as both groups are black and both are Muslim. The distinctions are more tribal and cultural.⁵⁵⁴

The issue was also addressed in *The World Today*, the journal of the Royal Institute of International Affairs. Peter Quayle, an expert working with the International Criminal Tribunal for the Former Yugoslavia, said that it would be wrong to label events in Darfur as genocide: “The conflict is a complex social, political and military struggle for wealth and power. Although it coincides with racial differences, the ongoing destruction is a coincidental not motivating purpose.” Referring to the 1948 Genocide Convention, Quayle notes: “The Convention’s two invidious questions ought to be asked. Are non-Arab Darfurians a people that the Convention protects as a group in whole or in part? And is this group, if protected, attacked as such? The group appears not to be a protected group partly because it relies on a regional definition. In answer to the second unhappy question – are these people being attacked only because they are members of a protected group? No, Darfurians are targeted because of the possibility they shelter and sustain rebels. Outside the conflict zone they are unharmed.”⁵⁵⁵

Claims of genocide have also been pushed by several long-standing anti-Sudan activists. One of these activists has been Eric Reeves, an English teacher at Smith College in Massachusetts. He has been active for some time in a campaign against Sudan. In the course of this campaign Reeves has written dozens of articles making serious allegations about events within Sudan. On examination many of these claims have fallen apart at the seams. Several measured criticisms of Reeves’s approach, methodology, and especially the sources he has relied upon for his claims, have been published and republished.⁵⁵⁶ Reeves continues to make, or repeat, serious claims about the situation in Sudan – most recently focusing on Darfur – without any means of verifying them. He has, for example, made numerous allegations of genocide and ethnic cleansing in Darfur.⁵⁵⁷ In a deliberate attempt to equate events in Darfur with the horrific case of Rwanda, Reeves has even used the term *genocidaires* in

referring to the Sudanese government.⁵⁵⁸ He has claimed that as of January 2005, 400,000 people had died in the Darfur “genocide” – this being almost six times the number of people who are feared to have died through violence or disease.⁵⁵⁹ Figures for the number of people who have died in the Darfur tragedy vary from the World Health Organisation’s estimate of 70,000 through to Khartoum’s claim of 5,000.⁵⁶⁰ Reeves’ 400,000 number jumped from his own early claims that deaths were “already approaching 100,000” in late June 2004.⁵⁶¹ That is to say Reeves now says that between July and December over a third of a million civilians died in Darfur – apparently without being documented either by the aid agencies or the many foreign journalists and diplomats in Darfur, and at a time when the UN stated things were improving. Amazingly he made these sorts of assertions while at the same time acknowledging that such claims are based on “second-hand accounts” and “fragmentary” accounts. He has also acknowledged that verification of such claims has been impossible: “There have been virtually no first-hand accounts by journalists, and the observations by humanitarian organizations are necessarily scattered.”⁵⁶²

In common with several people who have claimed genocide in Darfur, Reeves has turned a blind eye to any of the reservations made by groups such as Médecins Sans Frontières about such claims. This is particularly disingenuous given that Reeves has repeatedly cited MSF as a credible source on Darfur.⁵⁶³ Indeed, he states that it was through Médecins Sans Frontières that he first heard about Sudan.⁵⁶⁴ He cites a “life-changing” conversation with the executive director of MSF as the reason he became involved with Sudan.⁵⁶⁵ Reeves’ selectivity with regard to which MSF material he wishes to use, especially if it contradicts his case, is deeply questionable. Despite having previously noted that Médecins Sans Frontières “has performed superbly in the field”, Reeves has abruptly turned on MSF, accusing the organisation of being “disingenuous” and that it had made “ignorant and presumptuous statements about the issue of genocide” in Darfur. He dismissed comments by Dr Jean-Hervé Bradol as a “particular disgrace”⁵⁶⁶ presumably because they contradicted his claims.

Given this level of intellectual gerrymandering it is little wonder, therefore, that Reeves has even been criticised, especially on the genocide issue, by other established long-time anti-Sudan activists. In July 2004, for example, Jemera Rone, the Human Rights Watch Sudan specialist – whose work on Sudan has previously been described by Reeves as “assiduously researched”,

“distinguished”, “unsurpassed” and “trenchant”⁵⁶⁷ – publicly asked whether “people like Eric Reeves are abusing the legal term [genocide] to try and rouse people to act.”⁵⁶⁸

Reeves’ credibility on Darfur is questionable across the board. In a 17 December 2004 commentary, for example, Reeves acted as an apologist for the cold-blooded murder by SLA gunmen of two Save the Children (UK) aid workers, in an attack on their clearly marked vehicle, in Darfur on 13 December 2004.⁵⁶⁹ The United Nations special envoy to Sudan Jan Pronk unambiguously confirmed rebel involvement in these deaths. Reeves, however, claims there were “somewhat conflicting accounts” of the crime. He claims that the “perpetrator was drunk” while admitting this may not be true. He claims that there was “a heated debate...about what to do with the aid workers”. Reeves then claims: “The person responsible for shooting the two aid workers... was himself summarily shot and killed by his fellow combatants.” All these assertions are untrue. Reeves attempted to downplay the murders by claiming that “the insurgents have shown inadequate discipline, even as they confront appalling provocation.” Quite what “appalling provocation” by aid workers helping to keep civilians in Darfur alive justifies cold-blooded murder is not made clear by Reeves. He also queried whether the SLA had been responsible for the October 2004 murder of two other Save the Children aid workers in a land-mine attack. The United Nations confirmed SLA responsibility.⁵⁷⁰ Reeves’s attempt to downplay the December 2004 murders as an “action...by a single drunken soldier” is sickening. This rebel attack on aid workers was part of a clear and systematic pattern and follows recent rebel threats against aid workers.⁵⁷¹ In his January 2005 report on Darfur – and referring to rebel actions – the United Nations Secretary-General reported on what he termed a “new trend” in the pattern of attacks on, and harassment of, international aid workers: “While previous incidents have only been aimed at looting supplies and goods, December has seen acts of murder and vicious assaults on staff, forcing some agencies to leave Darfur.”⁵⁷² Reeves has also claimed that there are “no credible reports of rebel attacks on civilians as such”. This further attempt to whitewash the atrocious human rights record of the Darfur rebels was breathtaking in its dishonesty.

Far from demonstrating the objectivity, discernment and research skills one would have expected from a Smith College teacher, he has shown crass

selectivity. It comes, however, as no surprise. He has previously embraced similarly serious claims about Sudan. In 2000, for example, Reeves accepted at face value outlandish newspaper claims that China was deploying 700,000 soldiers to Sudan to protect Chinese interests in the Sudanese oil project.⁵⁷³ Reeves called it an “explosive report” stating “it is highly doubtful that the report comes from thin air, or that important sources are not behind it.”⁵⁷⁴ When asked about this allegation, however, the British government stated that “We have no evidence of the presence of any Chinese soldiers in Sudan, let alone the figure of 700,000 alleged in one press report.”⁵⁷⁵ Even the Clinton Administration, as hostile as it was to the Sudanese authorities, dismissed the claims, stating that even “the figure of tens of thousands of troops is just not credible based on information available to us”.⁵⁷⁶ He has also relied upon dubious sources for some of his other claims about Sudan. These sources have included South African Islamophobes such as Derek Hammond.⁵⁷⁷ Hammond’s website has overtly championed the “Christian” fight against “the evil of Islam”, referring to the “anti-Christian religion of Islam”.⁵⁷⁸ Amazingly enough, given this sort of track record, Reeves has been allowed to write on Sudan in Amnesty International publications.⁵⁷⁹

In an independent critique of media coverage of Darfur, *Online Journal* has openly criticised Reeves’ claims about Darfur, stating that he “may be the major source of disinformation (he calls it ‘analysis’) about Darfur which is then spread throughout the U.S.A...How curious that the American media latches on to Mr Reeves’ one-sided falsehoods by way of presented out-of-context half-truths while at the same time ignoring the dispatches of other journalists, including those who have provided eyewitness accounts.”⁵⁸⁰

The “Unseemly Fight” Over Darfur Mortality Surveys

Central to many of the claims of genocide in Darfur have been varying claims of how many people have died in Darfur as a direct or indirect consequence of the conflict. As we have seen above, the issue of crisis-related mortality has been caught up in the Darfur propaganda war with anti-Khartoum activists citing wildly inflated figures and projected figures for Darfur’s dead. Given this background it is essential that reputable and independent figures are examined. In March 2005, Professor Debarati Guha-Sapir, director of the

World Health Organization-affiliated Centre for Research on the Epidemiology of Disasters at the Catholic University of Louvain, noted that the Complex Emergencies Database (CEDAT), which monitors conflict mortality from surveys, reviewed more than 30 survey results from UN agencies and non-governmental organizations:

These show that death and malnutrition rates in most parts of Darfur improved over the latter half of 2004 despite insecurity and political stalemate. Death rates for the displaced have halved since June 2004. All this is thanks to an efficient and effective donor response supporting an increasingly professional community of private and voluntary organizations and to the U.N. World Food Programme, the U.N. World Health Organisation and the U.N. Children's Fund, Unicef.⁵⁸¹

Based on the application of mortality estimates based on UN population figures for each region in Darfur, the Centre for Research on the Epidemiology of Disasters' May 2005 mortality survey estimated that between 63-146,000 people had died since March 2003 and January 2005 in the conflict-affected areas of Darfur and eastern Chad. Their deaths could be attributed to violence, disease and malnutrition because of the conflict during this period.⁵⁸² The report examined previous mortality surveys and found that some had been misused. Referring to interviews which formed the basis for claims by the Coalition for International Justice (and repeated by Eric Reeves), the Centre noted that:

These interviews...were not designed in any way to function as a mortality survey nor was there an overall systematic sampling methodology used that could make it representative of the roughly 200,000 refugees that fled to eastern Chad, much less of the entire 2.4 million people affected of Darfur...The inappropriate misuse of these interviews...as a proxy for the aggregate Darfur population for the entire conflict (despite the availability of other more reliable data) has been a major basis of overestimation of deaths (common in most estimates).⁵⁸³

The Centre has also pointed out that an earlier “WHO mortality survey and the WHO mortality projections have often been confused and misguidedly used interchangeably.” Incorrect assumptions have “led to double counting of violent deaths in many subsequent projections”.⁵⁸⁴

In May 2005, Professor Guha-Sapir commented upon the “unseemly fight” that “has broken out in the US over how many have died in Darfur”. She was referring to the criticism of State Department estimates of between 60,000 and 160,000 conflict-related deaths in Darfur by Eric Reeves and the self-styled Coalition for International Justice who claim that 400,000 people have died. Professor Guha-Sapir noted:

The advocacy powers of Prof Reeves and CIJ are clearly stronger than their statistical ones. Deaths of 300,000–400,000 are now quoted by the UK House of Commons, the UN Office for the Co-ordination of Humanitarian Affairs and a series of respectable newspapers – including yours – making those who plod systematically through evidence and come up with less sensational figures look like uncharitable scrooges... Using badly constructed numbers for sensational attention does not help the cause... unsubstantiated figures and exaggerations are easily discredited and do the beleaguered Darfur population a great disservice.⁵⁸⁵

The US State Department also noted that “The fact that many prognosticators overemphasize the degree to which violent deaths contribute to large-scale mortality in a region as big and diffuse as Darfur continues to result in grossly overestimated projections of overall deaths.”⁵⁸⁶

Allegations that the Darfur Conflict is Racial

One of the other sensationalist themes encountered with respect to the conflict in Darfur is that it is a racial one in which light-skinned “Arab” tribes have been engaged in the “ethnic cleansing” of black “African” tribes.⁵⁸⁷ These sorts of claims are particularly inflammatory and very questionable. Mahmood Mamdani, director of the Institute of African Studies at Columbia University, noted that “The implication that these are two different races, one indigenous

and the other not is dangerous.”⁵⁸⁸ The simple fact is that there is very little, if any, racial difference between the many tribes of Darfur, “Arab” or “African”. Both communities are black. Prunier has noted “In terms of skin colour everybody is black.”⁵⁸⁹ The London *Observer* newspaper has reported, for example, that “[c]enturies of intermarriage has rendered the two groups physically indistinguishable”.⁵⁹⁰ The UN media service noted: “In Darfur, where the vast majority of people are Muslim and Arabic-speaking, the distinction between ‘Arab’ and ‘African’ is more cultural than racial.”⁵⁹¹ This reality has also been confirmed by de Waal and other anti-government activists. Ryle has noted that Arabs and non-Arabs “are generally physically indistinguishable”.⁵⁹² *The New York Times* has exemplified contradictory reporting on this issue, with articles on one hand by their columnist Nicholas Kristof alleging, for example, that “black Africans have been driven from their homes by lighter-skinned Arabs in the Janjaweed”⁵⁹³ while also publishing subsequent news articles such as “In Sudan, No Clear Difference Between Arab and African”.⁵⁹⁴ Even “African” Darfurian anti-government figures such as Dr Eltigani Ateem Seisi contradict the dangerously lazy shorthand of Kristof in *The New York Times*. Speaking at a conference in Brussels he stated with reference to “Arabs” and “Africans” in Darfur that “we all look alike” and that one “can’t tell from the features if he is Arab or African”. He added that he, an “African”, had a lighter skin than many “Arabs”.⁵⁹⁵

De Waal has also pointedly challenged the “Arab” versus “African” stereotype, stating that “Characterizing the Darfur war as ‘Arabs’ versus ‘Africans’ obscures the reality. Darfur’s Arabs are black, indigenous, African Muslims – just like Darfur’s non-Arabs.”⁵⁹⁶ He has also said:

We will see that the story is not as simple as the conventional rendering in the news, which depicts a conflict between ‘Arabs’ and ‘Africans.’ The Zaghawa...are certainly indigenous, black and African: they share distant origins with the Berbers of Morocco and other ancient Saharan peoples. But the name of the ‘Bedeyat’, the Zaghawa’s close kin, should alert us to their true origins: pluralize in the more traditional manner and we have ‘Bedeyiin’ or Bedouins. Similarly, the Zaghawa’s adversaries in this war, the Darfurian Arabs, are ‘Arabs’ in the ancient sense of ‘Bedouin,’ meaning desert

nomad...Darfuriar Arabs, too, are indigenous, black, and African. In fact there are no discernible racial or religious differences between the two: all have lived there for centuries.⁵⁹⁷

A Policy of Ethnic Cleansing in Darfur?

There has obviously been a vast displacement of civilians within Darfur, especially amongst those communities from which the rebels have recruited and presumably sought other support. A sensationalist media and human rights industry has claimed that the government has pursued a policy of ethnic cleansing in Darfur.⁵⁹⁸ The Sudanese junior foreign minister Najeeb Alkhair Abdelwahab has stated with regard to claims of ethnic cleansing in Darfur that: “The situation in Darfur is neither one of ethnic cleansing nor genocide. It is primarily a clash over resources.”⁵⁹⁹ Médecins Sans Frontières has noted that “there is no systematic target – targeting one ethnic group or another one”. The UN Under-Secretary-General for Humanitarian Affairs, Jan Egeland, has also stated that the term “ethnic cleansing” did not fit events in Darfur: “I think we have more reports actually of a kind of scorched earth [policy] – and that nobody has taken over...It’s complex, because some have said that it doesn’t fit the legal definition of ethnic cleansing. The same tribes are represented both among those who are cleansed and those who are cleansing.”⁶⁰⁰ Mr Egeland’s views have been echoed by key human rights experts. Asma Jehangir, the UN rapporteur on extra-judicial summary and arbitrary executions, for example, has said: “I wouldn’t categorise it as ethnic cleansing at the moment because that is not the impression that I am getting. It could be an unintended purpose.”⁶⁰¹

French academic Gérard Prunier is clear in his views about claims of “ethnic cleansing” in Darfur:

The notion of ‘ethnic cleansing’, implying that the GoS had been trying to displace African tribes in order to give their land to ‘Arabs’, is not backed by any evidence other than the shouts hurled at the victims by the perpetrators themselves. Although they (the perpetrators) might have hoped for such an outcome of the massacres, it is doubtful that a policy of that kind had been clearly

thought out in Khartoum. This does not exclude the possibility that some in the GoS might have wished for that outcome, but the few instances of ‘Arabs’ settling on the land abandoned by African peasants do not seem very convincing. The ‘Arabs’ are mostly nomads who do not seem much interested in becoming agriculturalists.⁶⁰²

Guardian journalist Jonathan Steele has also noted: “Grim though it has been, this was not genocide or classic ethnic cleansing. Many of the displaced moved to camps a few kilometers from their homes. Professionals and intellectuals were not targeted, as in Rwanda. Darfur was, and is, the outgrowth of a struggle between farmers and nomads rather than a Balkan-style fight for the same piece of land. Finding a solution is not helped by turning the violence into a battle of good versus evil or launching another Arab-bashing crusade.”⁶⁰³

Allegations of ethnic cleansing have also been clearly contradicted by Sudanese government actions. Far from wishing to see the displacement of “African” Darfurian communities, the government has self-evidently been very eager to see these communities returned to their homes. In the Plan of Action signed on 5 August 2005, the Government committed itself to signing an agreement with the International Organization for Migration (IOM) to oversee and assist in the voluntary return of internally displaced persons. The UN Secretary-General has noted with regard to this agreement that “since the Management and Coordination Mechanism was established, progress has been made in reaching definitions of appropriateness and voluntariness and establishing standard operating procedures, and these definitions have been practically implemented”.⁶⁰⁴ This agreement was signed by the government, IOM and the United Nations on 21 August. In November 2004, Khartoum reported to the UN that 270,000 displaced people had been returned to their places of origin. The Sudanese humanitarian affairs minister, Ibrahim Mahmoud Hamid, stated: “More than 270,000 people have voluntarily returned to their homes. This is a very good sign and indicator that the situation in Darfur is improving.”⁶⁰⁵ Jan Pronk, the UN Special Envoy to Sudan, was said to be concerned because neither the UN High Commissioner for Refugees nor the UN Organisation for Migration had been consulted prior to the repatriation.

While there may well be some concern as to whether all the returns were

voluntary, Khartoum's eagerness to return refugees to their place of origin is manifest. The United Nations has noted government pressure on displaced people to return home, and has undertaken profiling exercises which "will inform appropriate and timely planning of interventions when conditions for return are in place".⁶⁰⁶ Attempts to compare Darfur to Kosovo or any other example of ethnic cleansing fail to explain why it is that – unlike in Kosovo and other parts of the former Yugoslavia, for example, where there were clear attempts by governments to permanently exclude people from their homeland – in Darfur the government is being criticised for trying to return people to where they came from.⁶⁰⁷

Allegations of a concerted, planned genocide or ethnic cleansing in Darfur also jar with the fact that in addition to several thousand AMIS peacekeepers and policemen, Khartoum has also allowed 13,500 aid workers, many several hundred of whom are foreigners, into the region. It has also allowed hundreds of foreign reporters into Darfur. These have included journalists from virtually every Western nation, and have included reporters from the BBC, Reuters, *The Times*, *The New York Times*, *The Washington Post*, *The Chicago Tribune*, *The Financial Times*, *The Christian Science Monitor*, *The Telegraph*, *The Sunday Telegraph*, *The Independent*, *The Guardian*, Sky, CNN, *Time*, Knight-Ridder and *The Economist*. Several of these journalists have spent several weeks, and some several months, in Darfur. Most governments involved in a programme of genocide go out of their way to prevent any outsiders, especially journalists, from roaming around the area in question.

De Waal has pointed to several of the negative consequences of Washington's cynical use of the genocide label. It has distanced Washington from the rest of the international community – something which he believes has been exploited by the Sudanese government:

The fact that the US media and government have mischaracterized the Darfur war as 'Arabs' killing 'Africans' has allowed Khartoum to portray it as (another) American conspiracy against Arabs. The US determination that genocide has been committed...has appeared to put Washington out on its own in its opposition to Khartoum. From the perspective of Khartoum (and indeed many other capitals in Africa and the Middle East), the genocide determination appears

to be the cynical use of a new tool to legitimize US interventionism and demonize Arabs...At the very minimum, this new-found Arab solidarity will buy time for the Sudan government. At the maximum, the way in which the US has declared 'genocide' will disqualify it from contributing to any solutions in Sudan.⁶⁰⁸

Additionally, de Waal has pointed out that "the genocide finding is being internalized into the politics of the region... The Islamists in the Justice and Equality Movement have a strategy for regime change, using the atrocities in Darfur to legitimize the Khartoum government internationally, thereby to bring it down. The SLA...has yet to develop a full political programme, and is instead largely reacting to events...It seeks intervention as a best option."⁶⁰⁹ The extent to which the genocide label has been devalued was also demonstrated by the fact that in June 2005 JEM accused the Chad government of committing genocide in Darfur.⁶¹⁰

Prunier has asked perhaps the most pertinent question about allegations that the Sudanese government has sought to carry out genocide in Darfur: "genocide began to be mentioned as an explanation [for events in Darfur] in early 2004 by more militant members of the international community... This hypothesis...failed to explain why Khartoum would have picked such an obviously wrong moment."⁶¹¹

Prunier also examined what did happen in Darfur. He concluded that: "Darfur is a bad case of poorly conceived counter-insurgency carried out with completely inadequate means."⁶¹² Commenting on de Waal's description of events in Darfur as "counter-insurgency on the cheap", Prunier asks whether "refined" or "efficient" forms of counter-insurgency exist?:

The predicament at the time of writing of the Israeli army in Palestine and even more of the US army in Iraq are cases in point. Even if the dominant army tries to restrain its forces and kill only when necessary, and to keep repeating public relations slogans to the point of dulling peoples' receptivity, the results tend to be poor... 'Careful' or 'focalised' repression techniques aimed at separating an insurgency from its causes are largely a techno-military dream.⁶¹³

Chapter Five

THE “JANJAWEED” AND DARFUR

Comprehensive, forcible disarmament is hazardous at best, impossible at worst. Before effective disarmament (or more realistically, regulation of armaments) can take place, a workable definition of the Janjawiid is needed.

The Justice Africa human rights organisation ⁶¹⁴

In Darfur, Janjaweed is a word that means everything and nothing.

The Reuters Sudan Correspondent ⁶¹⁵

One of the biggest problems facing any analysis of the Darfur conflict, and subsequently any attempt to resolve it, is the extent to which the international community, responding to a combination of poor analysis, shallow media reporting or, in some instances, straightforward propaganda projections of one sort or another, has reduced the crisis to one or two images and demands. The “Janjaweed” phenomena is one such image and with it comes a demand, that the government of Sudan immediately stop all “Janjaweed” activity and disarm these people.

The simple fact is that no-one has arrived at an objective definition of the term “Janjaweed”. It has seemingly been used as a blanket term to describe any armed nomadic tribesman in Darfur today, and particularly anyone involved in attacks on “African” communities in the region. The United Nations International Commission of Inquiry on Darfur adopted a typically questionable definition of “Janjaweed”. It noted that there were two “precisions” in a definition of “Janjaweed”, that attackers were Arab and armed with modern weapons. The Commission further noted that outside of these “precisions” it is “probably impossible to define the ‘Janjaweed’”. The

Commission also stated that “where victims describe their attackers as Janjaweed, these persons might be from a tribal Arab militia, from the PDF or from some other entity...”⁶¹⁶ It is clear that the Commission, by its own admission, followed a muddled and subjective rather than an objective definition of what constituted “Janjaweed”.

The difficulties in coming to a definition of “Janjaweed” have been addressed by other UN observers. The UN media service has described the “Janjaweed” as being made up of “Sudanese and Chadian horse and camel-riding Arab nomads, opportunists and ‘criminals’”.⁶¹⁷ The team leader for the UN Office for the Coordination of Humanitarian Affairs in North Darfur, Niels Scott, commented in November 2004: “The Janjaweed takes many different forms. It could be a local tribal issue, or it could be plain banditry. It could be profiteering... This Janjaweed business – I shy away a bit from it. Janjaweed – as an historical concept – has been around for years. What we are seeing now is... criminality.” Asked if the lawlessness was being directed from Khartoum, Niels Scott said: “There’s no direction.”⁶¹⁸ His views have been echoed by other relief workers. The field coordinator for the Irish aid agency GOAL in North Darfur, Terri Morris, has noted that: “There is a lot of banditry in the whole of Darfur, also in rebel-controlled areas and if you ask people who are responsible they say ‘janjaweed’, which means in the rebel areas that the ‘janjaweed’ are in fact rebel fighters.”⁶¹⁹ Her predecessor, Fionna Gannon, similarly noted: “They (the Arab nomads) say that they are the most despised people in the world because of the way the western media portrayed the conflict. Not every Arab nomad on a camel with a Kalashnikov is a janjaweed, far from it. I don’t believe that the Janjaweed are under government control.”⁶²⁰

There can be no simple reading of the issue.⁶²¹ The difficulty in adequately defining the term has been seen as a problem by Human Rights Watch. In its publication *Empty Promises? Continuing Abuses in Darfur, Sudan*, it observed:

[I]t is increasingly clear that the term ‘Janjaweed,’ while used by victims to describe any armed attacker, is in fact a misnomer, and that there are at least two types of forces encompassed by the description: 1) the government-backed militias used as proxy forces in the government’s military campaign; and 2) opportunistic armed

elements taking advantage of the total collapse of law and order to settle scores, loot and raid cattle and livestock.⁶²²

UN Special Envoy Jan Pronk has also noted the problem with regard to definitions of what makes up the Janjaweed. He has said that the government “have a different understanding of [who make up] the Janjawid from the international community”. Pronk also observed that “the IDPs call everybody Janjawid”. Pronk admitted that “[t]he government has indeed taken some steps to...disarm the officially mobilized persons in the Popular Defense Force. They, through talks, also tried to control – with some success – militias which have stayed closely related to Arab tribes, in a reconciliation process. They do not control the real Janjawid, who they call outlaws, who they cannot stop, they say.” He also pointed out one of the major impediments on any government action on the janjaweed. He admitted that the international community “do not want the [Sudanese] military to become active...to take action.” Pronk had added that the government have said “if we can’t use the military – our police are not strong enough.”⁶²³

Pronk has also observed that the international community “also need to talk, at a certain moment, with Arab tribes, who do have control over their militia, including the Janjawid, in order to address some of the concerns of these Arab tribes, because they also have concerns, which are being used as a legitimization, by these groups, to take up arms.”⁶²⁴

Darfur is an ecologically fragile area and had already been subject to growing – and often armed – conflict over access to water and pastures. The war has greatly exacerbated previously existing tensions. In perhaps the most objective reading of the crisis in Darfur, the UN media service observed: “The conflict pits farming communities against nomads who have aligned themselves with the militia groups – for whom the raids are a way of life – in stiff competition for land and resources. The militias, known as the Janjaweed, attack in large numbers on horseback and camels and are driving the farmers from their land, often pushing them towards town centres.”⁶²⁵ There is also no doubt that these militias, and criminal gangs, have exploited the security gap which opened up in Darfur following the murder by rebels of over 685 policemen and the destruction of dozens of police stations in a region the size of France or California in which law enforcement infrastructure was already

badly stretched. The International Crisis Group has noted that “the term ‘Janjaweed’ has been used for decades to describe bandits who prey on the rural populations through cattle rustling and highway robbery. These criminals were generally rejected by their communities because of their contempt for tribal codes and communal values.”⁶²⁶ The ICG also reported that a senior Chadian official had stated that “Chadian Arabs can establish themselves in Darfur and use the Janjaweed as a cover for their anti-Déby activities.”⁶²⁷

The scale of the violence in Darfur, even before the outbreak of rebellion in 2003, had led to Khartoum introducing special measures, including the declaration of a state of emergency and the establishment by presidential decree of eight special criminal courts to deal with offences such as murder, tribal clashes, armed robbery, arson and the smuggling of weapons.⁶²⁸

The UN media service has reported “that there was nothing new about tribal clashes between nomads of Arabic extraction and village farmers belonging to local African tribes in Darfur, but these days they have become much more deadly because the raiders were better armed.” A foreign diplomat noted: “The Janjawid have kept their traditional values and ways of living. They do the same as they used to: they steal to get. Only this time, their weapons are more sophisticated.”⁶²⁹

It has also become apparent that the Darfur issue has been caught up in the sort of propaganda and misinformation that has characterised previous coverage of Sudan. Several commentators appear to have opted for a partisan or lazy analysis of events in Darfur, seemingly unable to resist projecting the image of government-supported “Arab” – “Janjaweed” – militias attacking “African” villagers (and in doing so often merely echoing questionable rebel claims).

The Sudanese authorities have repeatedly and consistently denied that they are sponsoring “Janjaweed” gunmen in Darfur. Sudanese leaders from the President and ministers downwards have described “Janjaweed” gunmen as “outlaws”.⁶³⁰ The then Sudanese foreign minister, Dr Mustapha Osman Ismail, has noted: “The problem is the word Janjaweed has become a coverall for so many things. There are militias that are outside the rule of law, and this is one of the things we are going to crack down on.”⁶³¹ Simplistic readings of events in Darfur claim that Khartoum is in control of all those groups labelled as

“Janjaweed” – this despite increasing evidence that these forces are out of control.⁶³²

The Sudanese national commission of inquiry into human rights abuses during the Darfur crisis also highlighted the difficulties surrounding the definition of “Janjaweed”: “There was all-round agreement that the meaning and connotation of the term ‘the Janjaweed’ is obscure and that opinions differ as to how it should be understood and interpreted. That disagreement now constitutes the primary focus of all the decisions and resolutions promulgated by foreign entities with respect to the Sudan.”⁶³³ There have also been several accounts of how nomadic communities have suffered through the unjustified and inaccurate use of the “Janjaweed” label. A UN media report noted that “[due] to the increasingly polarised political atmosphere, many of Darfur’s residents equate Arab nomads with the notorious ‘Janjawid’.” An aid worker observed that: “People confuse the nomads with the Janjawid. They are considered the same – the same entity – but they’re not.” Arab nomads stressed that “there was no relation between the nomadic defence groups and the Janjawid, as the latter were mere bandits who attacked farmers and nomads, alike.” A member of the Aregat – a clan belonging to the “Arab” Rezeigat tribe – stated that: “The Aregat have been attacked by the Janjawid many times. They are thieves. They don’t differentiate between the tribes. When they see the opportunity to steal, they will.”⁶³⁴

Assertions that the government controls the “Janjaweed” – and that it can turn their activities off and on like a tap – have distorted the reality of events. Human rights groups, for example, have confirmed Janjaweed attacks on policemen and police stations. Human Rights Watch researcher Julie Flint, for example, has also reported on a Janjaweed attack on the police station at Terbeba. She does not mention what happened to the policemen inside, but states the police station was burned down.⁶³⁵ Amnesty International has noted the fact that policemen are often targeted for attack by Janjaweed gangs.⁶³⁶

The UN Commission of Inquiry on Darfur noted examples of Janjaweed attacks on police, reporting, for example, that victims of attacks stated that “the police were indeed targeted during the attacks on the villages” and that they “mainly blamed the Janjaweed for these actions”.⁶³⁷ The Commission reported that there have been instances where Janjaweed gunmen have attacked and killed policemen defending villagers from Janjaweed attack. It recorded,

for example, that Janjaweed raiders killed 17 policemen in an attack on Kailek, in South Darfur.⁶³⁸ Sudan's national commission of inquiry confirmed that numerous policemen had been killed in attacks by "Janjaweed" gunmen.⁶³⁹ The US government also reported in September 2005 that "Janjaweed" gunmen attacked Geneina "to confront Government of Sudan (GOS) police and take hostages, in retaliation for a September 19 incident in which GOS police killed one jingaweit and apprehended another during an attempted truck robbery outside Geneina. GOS police and jingaweit clashed in the Geneina city market". The Janjaweed gunmen freed their gang member from police custody.⁶⁴⁰

One clear example, amongst many, of a "Janjaweed" attack and a government response, was that involving an attack by between 800 and 1,000 heavily armed members of a nomadic group that attacked the Shattayia area in North Darfur on 10 February 2004. This attack was against a Fur community and was in revenge for the killing of two members of the nomadic Salamat tribe and one member of the Beni Halba tribe by members of the Fur tribe. Government forces responded to this inter-tribal attack and engaged the nomadic attackers. Eleven policemen and six members of the Popular Defence Force were killed in the engagement. A large number of "Janjaweed" raiders were killed in the action. In another engagement, on 4 February 2004, Sudanese armed forces, including air force units, responded to an attack by nomadic tribes on Zaghawa and Massaleit communities east and north of Nyala. Seven hundred and fifty head of livestock were recovered by government forces from these "Janjaweed" raiders.⁶⁴¹ "Janjaweed" gangs are also reported to have attacked Arab tribes.⁶⁴²

The UN Commission provided a clear example of the scale and violence of some *ad hoc* inter-tribal revenge attacks pre-dating the 2003 rebellion. It documented the case known as *Jagre al-Hadi al Makkul and others*, which involved the Rezeigat and the Ma'aliyah tribes, both Arab, and related to events in April and May 2002. One member of the Rezeigat tribe was killed by two members of the Ma'aliyah tribe. On 18 May 2002, 40 days after the incident, 700-800 Rezeigat tribesmen, dressed in military uniforms and heavily armed, attacked a Ma'aliyah community, killing 54, wounding another 24, burning the settlement and looting cattle and household property. The Commission noted that government forces were not involved.⁶⁴³ There have been countless instances of the sort of violence described above since early 2003 and in the

wake of the dislocation of law and order. Inter-tribal revenge and opportunistic raids have led to a spiral of similar attacks and counter-attacks well outside of the control of the government.

A May 2004 United Nations media report stated that diplomats and Chadian government officials “question how much control Khartoum has over these nomadic horsemen”.⁶⁴⁴ That the militiamen that have come to be known as “Janjaweed” are out of control is clear. Many of these gunmen have on several occasions attacked civilians in Chad.⁶⁴⁵ That Sudan would have had very little to gain from attacks on Chad is equally obvious. Chad is a mediator in the Darfur conflict. Chadian President Déby has in fact been accused of being sympathetic towards Khartoum, having, for example, previously committed several hundred Chadian soldiers to joint operations with the Sudanese army.⁶⁴⁶ Ahmad Allami, President Idriss Déby’s official spokesman, stated: “Now, there is the feeling that Sudan does not have control over the militia and needs assistance.”⁶⁴⁷ Chad’s acting Defence Minister, Emmanuel Nadingar, announced that, on 5 May 2004, the Chadian army clashed with a raiding party of Janjaweed 25 kilometres inside Chadian territory and killed 60 of them. One Chadian soldier was killed and seven others were wounded in the battle. The UN report stated that “One captured Janjaweed fighter who was presented to the press in Chad this week confirmed fears that the militia were operating on their own initiative without necessarily following orders from Khartoum.” The gunman stated: “Nobody sent us to Chad.”⁶⁴⁸ The idea that the Khartoum authorities would have directed militiamen under its control to attack Chadian civilians and President Déby’s forces would make no sense – and clearly demonstrates the anarchy associated with those groups labelled as “Janjaweed”.

The Khartoum authorities have taken several steps to end abuses in Darfur. In June 2004, the Sudanese President ordered security forces to disarm all groups, including rebels and pro-government militia, in the conflict-ridden region of Darfur: “What happened in Darfur is bloody and severe for all Sudanese people, not only the Darfurians.”⁶⁴⁹ The Sudanese President announced a few days later that both Sudan and Chad had agreed to cooperate in the disarming of militias on both sides of their border: “We have completed an agreement with Chad to collect arms in Darfur and the Chadian lands neighbouring Darfur at the same time...To disarm the groups in one area without the other would not help in resolving the problem.”⁶⁵⁰ Khartoum’s

commitment to crack down on armed groups and gunmen in Darfur has been repeated on several occasions, including during the visit to Sudan by American Secretary of State Colin Powell.⁶⁵¹

The Reuters correspondent in Sudan, Nima el-Baghir, has outlined the difficulties in defining the term “Janjaweed”: “In Darfur, Janjaweed is a word that means everything and nothing. It is a composite word deriving literally from *jinn* – which in Arabic means devils or spirits, carrying G-3 rifles on a *jowad* (horse).”⁶⁵² Her conclusion has also been echoed by other journalists. *The Los Angeles Times*, for example, has noted that “[t]he word ‘janjaweed’ means different things to different people. The term, traditionally used to refer to bandits and criminals, is a combination of Arabic words that convey the idea of evil gunmen on horseback.”

In her article Ms el-Baghir interviewed an Arab tribal leader and asked him if he would call himself a Janjaweed leader.

He responds furiously: ‘What is this word “militia”? What are “Janjaweed”? These words mean nothing.’ For years, he says, his people have defended themselves without government help. ‘Would you entrust those you are responsible for, your women and children, to a government which is so far away?’ He pauses as the voices of his men chorus around him in agreement. ‘When they came to us and said we will give you weapons to fight against the rebels, we said: keep your weapons. Let us use our own.’ Abdullah falls quiet, while some of the men with him proudly show me their guns. One says, ‘The government rifles were old but ours are from abroad and they are better. We bought them from Zagawa traders.’

In a different interview, Musa Hilal, a Darfurian tribal leader accused of being a Janjaweed leader, also addressed the use of the term. “Janjaweed means nothing, but it is a word used to encompass all evil, a convenient way for Americans to understand who are the good guys and who are the bad. When the rebellion began last year, the government approached us and armed us. My sons were armed by the government and joined the Border Intelligence. Some tribesmen joined the Popular Defense Force.”⁶⁵³ He has also pointed to the vagueness of the term: “The rebels spread the word Janjaweed as if it

were an organisation. As a political group there is no specific concept called Janjaweed...It means nothing, but has been used to mean everything.” Hilal explained his tribe’s involvement in the fighting as an inter-tribal conflict. He stated that his clan had suffered from “acts of banditry”, including the murder of young men and livestock theft, carried out by the neighbouring Zaghawa tribe. The Zaghawa and Fur then entered into an alliance against Arab tribes. Human Rights Groups and the UN have confirmed that there was tit-for-tat violence in the lead up to the rebellion.⁶⁵⁴ There is no doubt that Hilal is the leader of paramilitary forces raised by the government in response to the rebellion, forces separate from those groups of criminal opportunists that have increased their activities since the destruction of the police force in 2003. That some of these organised paramilitaries have been involved in questionable activities is clear. Their activities must be divorced from the other essentially criminal activities which have gone on in Darfur since before the rebellion and which have escalated since. One can only hope that the government is able to control the sorts of forces seemingly commanded by people like Hilal. He has stated his view with regard to disarmament: “As far as we as a tribe are concerned, whenever we feel the situation is completely secure and the ceasefire is being respected, we will hand in our weapons. The reality is that this is a country where everyone has weapons.”⁶⁵⁵

One Janjaweed leader, interviewed by the London *Sunday Times*, denied any alignment with the government: “We are not with the rebels, we are not with the government...we look for our due...We fight all governments in Sudan. We get nothing from the government.” When asked about possible international intervention by the UN, the USA or Britain, the Janjaweed stated: “We will fight them. We hate them and we will attack the foreigners. We refuse to be like Iraq – surrendered, confused and occupied. We will fight them more than the mujaheddin in Afghanistan.”⁶⁵⁶ *The Sunday Times* also outlined some of the difficulties facing the government: “Disarming these warring factions may be impossible. If Khartoum dispatches more troops to Darfur, it will be in violation of its ceasefire with the two main rebel groups. Disarmament would in any case enrage the Janjaweed and the African and Arab tribal militias, who may turn their guns on aid workers and Sudanese soldiers alike, detonating any chance of relief efforts.”⁶⁵⁷

A largely sensationalist, and on occasion disingenuous, media has lumped

together as “Janjaweed” regular army forces, popular defence forces, police units, tribal militias, vigilantes and armed robbers through to any armed “Arab” tribesman. It is a bit like claiming that the British government controls not only all army and army reserve units and police and police reserve units in Northern Ireland but is also controls and is also responsible for all anti-republican or anti-Catholic loyalist organisations, paramilitaries, gunmen and criminal rackets in the province. The simple fact is that virtually all of Darfur’s 80 tribes and groups will have members who are armed, some with members on both sides of the conflict. Some tribal militias will not disarm unless rival tribes also do so. A western diplomat in Khartoum has noted: “There are many gangs or groups that (the Sudanese government) doesn’t control or who may be partly under their control or controlled by the local authorities. So this is not a clear-cut picture. That makes you understand how difficult (disarmament) is logistically.”⁶⁵⁸ According to the United Nations Under-Secretary-General for Humanitarian Affairs Mr Jan Egeland “There are many armed groups and many armed criminal gangs in Darfur.” He referred to the Janjaweed as “a monster that nobody seems to be able to control”.⁶⁵⁹ In early November 2004, the UN Envoy to Sudan also observed: “The government does not control its own forces fully. It co-opted paramilitary forces and now cannot count on their obedience... The border lines between the military, the paramilitary and the police are being blurred.”⁶⁶⁰ Mr Pronk returned to this theme in his February 2005 comments before the United Nations Security Council: “The militias are strong and well organized. And there seems to be a sort of an invisible hand behind their actions. There are forces in the back in Sudan, not inside the Government, yet powerful, that have the capacity to spread terror on the ground...”⁶⁶¹

The human rights group Justice Africa has addressed the need for a sustainable definition of “Janjaweed”:

Who are the Janjawiid? A clear definition of the Janjawiid is a requirement for their disarmament. The term ‘Janjawiid’ has been used to denote Arab militias since the late 1980s, but not always to refer to the same entities. Noting the term ‘Arab’ is ambiguous and fluid in Darfur, we can note the following different armed Arab groups in the region: Armed pastoralists. Every community in Darfur is armed. For pastoralist groups, disarmament is out of the

question as long as there is no effective law enforcement...The Rizeigat (Abbala) Janjawiid...The Beni Halba Fursan...Other Baggara militia, such as the Janjawiid drawn from the Terjam group that lives in the environs of Nyala. Chadian Arabs, including the Salamat group, which lives on both sides of the Chad-Sudan border. Their numbers are unknown but are rumoured to be substantial... The Rizeigat (Baggara) Murahalin...Emergent militias among groups that have not thus far been involved in the conflict... The Popular Defence Forces...⁶⁶²

Those who attribute every single act of violence or criminality to the “Janjaweed” and claim that all these acts are on the instructions of the Sudanese government are either naïve or are seeking to deliberately mislead the international community. In either instance they ill serve the people of Darfur. It is essential to cut away the propaganda that is already clouding the Darfur issue. That Khartoum must address the criminality and armed banditry that has undermined law and order in Darfur is obvious. At the same time, however, lazy commentators and human rights organisations cannot have it both ways in criticising the Sudanese government for inaction and then attacking Khartoum for responding firmly to terrorism and lawlessness.

Claims That All Militias in Darfur can be Disarmed in 30 Days

Unrealistic expectations, often based upon naïve claims, have not assisted with a resolution of the problem. One issue has been the problem of disarming the many armed groups and individuals in Darfur. In July 2004, for example, the UN Security Council adopted Resolution 1556 threatening action against Sudan if it did not disarm gunmen in Darfur within 30 days.⁶⁶³ Charles Snyder, a former United States acting assistant Secretary of State for African Affairs and the US State Department’s senior representative on Sudan, has stated, however, that there are no “30-day, 90-day quick fixes” to the problem. He also admitted: “This is going to take, in my view, 18 months to two years to conclude the first phase” of making the region safe for people to return to their homes.⁶⁶⁴ De Waal has also warned of international naivety with regard to “disarming” the Janjaweed:

On July 30, the UN Security Council gave Khartoum 30 days to disarm the Janjawid. But how? There are many different militia groups, ranging from entire nomadic clans that have armed themselves to protect their herds, to brigades of trained fighters headed by Musa Hilal and some of his Chadian Arab comrades in arms. The Janjawid paramilitaries are the direct responsibility of Khartoum and can be demobilized, but the armed nomads will be more difficult. In a region where every community has armed itself, confiscating all arms is frankly impossible: what can be done is community-based regulated of arms, gradually marginalizing criminal elements through a process of political reconstruction.⁶⁶⁵

The international community appears to have realised the problems inherent in the 30-day “fix-all” demands. As much was noted by the UN Secretary-General in a report on 30 August 2004: “Making an area the size of Darfur, with the amount of armed men and violent recent history, safe and secure for all civilians takes more than 30 days.”⁶⁶⁶ The government committed itself to three steps: ending all offensive military operations; identifying parts of Darfur that could be made safe within 30 days; and identifying those militias over whom it had control and instructing them to lay down their weapons. The UN reported that the government had, nonetheless, started a process of disarming those militias that were under its command.⁶⁶⁷ Janjaweed members have been both arrested and convicted.⁶⁶⁸ Four hundred had been arrested by July.⁶⁶⁹

Justice Africa, the human rights organisation, has outlined realistic measures that can be undertaken with regard to disarmament:

The most realistic option is twofold. On the one hand, [the government] can control the paramilitary forces it has established under the command of Musa Hilal and other commanders. Secondly, it can initiate a process of arms regulation, whereby communities are permitted to hold arms for legitimate self-defence, in accordance with norms and procedures agreed by all groups, and they themselves become partners in disarming the illegitimately armed groups. This kind of disarmament will be gradual, founded on community-based security provision, and will take place concurrently with political negotiations, reconciliation and reconstruction.⁶⁷⁰

It is obvious that every effort must be made to remove both weapons and the motivation or need to carry weapons, from the Darfur situation. Increasingly shrill demands for an immediate disarmament of armed forces within Darfur in the face of the reality outlined by the United Nations, Charles Snyder and Dr de Waal serve no purpose other than enflaming an already fraught situation.

Chapter Six

THE MEDIA, SENSATIONALISM AND IRRESPONSIBILITY

For all that it deals with events and realities...news has a prodigious capacity for myth-making. Like a huckster on the high street it hawks its wares regardless of their quality.

Former BBC Correspondent Martin Bell ⁶⁷¹

American media coverage of complex emergencies will likely continue to be limited, random and unreliable.

Andrew Natsios, USAID Director ⁶⁷²

It was Alexander Pope who observed that “a little learning is a dangerous thing; drink deep, or taste not the Pierian spring: there shallow draughts intoxicate the brain.”⁶⁷³ The Roman writer Publilius Syrus noted that it is “better to be ignorant of a matter than half know it”. Never have such warnings been more applicable than in studies of the media coverage of the Darfur crisis.

It should not have been unexpected. It is a simple matter of fact that a significant amount of the international press coverage of Sudan over the past decade has been questionable. Disinformation and propaganda have been an ever-present particular feature of most, if not all, wars over the past 50 years or so. Sudan in general and Darfur in particular have been no exception. The international news media have been an obvious target for those who wish to manipulate the way in which conflicts are presented. This is for obvious reasons. International “reporting” is in many instances the only image many outside observers will have of the country itself. International press coverage is also sometimes the only material many commentators and even legislators will have

in mind when addressing issues either directly or indirectly related to Sudan. Journalists have in many instances managed to get away with some appalling reporting on Sudan. There has been a mixture of simply bad journalism and misinformation. The latest examples of questionable journalism have focused upon the war in Darfur.

Speaking in December 2004, Chris Mullins, Minister of State at the Foreign and Commonwealth Office, noted the dysfunctional nature of much of the media coverage of the Darfur conflict. After viewing a British television news item on Darfur, he stated that the news item was “the first one to acknowledge there are actually two sides in this dispute”⁶⁷⁴ – that is to say 18 months after the war had begun. It is a sad reality that Mullins’ comments can be applied virtually across the board with regard to media coverage of the Darfur crisis.

It is worth placing the reporting on Darfur into context. Over the past decade or so the international news media have carried a number of deeply questionable claims about Sudan. These have included allegations that Sudan possessed and manufactured weapons of mass destruction. These were, of course, particularly grave allegations to have been made. On 20 August 1998, the Clinton Administration launched cruise missile attacks on the al-Shifa pharmaceutical factory in Khartoum alleging that the plant was making chemical weapons as part of Osama bin Laden’s infrastructure of international terrorism. The Clinton Administration made several, widely-reported, claims about Sudan and the factory – all of which were repeated in the media. Every one proved to have been false. After carefully assessing the claims *The Observer* newspaper spoke of “a catalogue of US misinformation, glaring omissions and intelligence errors about the function of the plant”.⁶⁷⁵ These claims are now accepted internationally to have been unfounded.

It has also “reported” that Khartoum had used weapons of mass destruction in the course of the then civil war in southern Sudan. The allegations were also shown to have been baseless. In this instance anti-government rebels claimed in July 1999 that Sudanese armed forces had used chemical weapons in attacks on their forces in southern Sudan.⁶⁷⁶ These claims were repeated by several British newspapers as well as the BBC. They were also carried in other international media.⁶⁷⁷ The United Nations investigated the claims and arranged for detailed tests which “indicated no evidence of exposure to chemicals”.⁶⁷⁸

One of the other widely-publicised sensationalist claims about Sudan has been allegations of government-sponsored “slavery” and “slave trade” in Sudan. As “proof” for this, a great number of newspaper articles “reported” instances of “slave redemption” in which alleged “slaves” were said to have been “bought” back from “slave traders”. These sorts of claims began to be exposed as questionable where not simply false as early as 1999.⁶⁷⁹ In February 2002, in an unprecedented international focus, and as the result of some excellent investigative journalism, *The Irish Times*, London’s *Independent on Sunday*, *The Washington Post* and *International Herald Tribune*, chose to publish, or republish, articles definitively exposing the deep fraud and corruption at the heart of claims of “slave redemption” in Sudan.⁶⁸⁰ *The Washington Post* reported that in numerous documented instances “the slaves weren’t slaves at all, but people gathered locally and instructed to pretend they were returning from bondage”.⁶⁸¹ *The Independent on Sunday* reported that it was able to “reveal that ‘redemption’ has often been a carefully orchestrated fraud”.⁶⁸² *The Irish Times* reported “According to aid workers, missionaries, and even the rebel movement that facilitates it, slave redemption in Sudan is often an elaborate scam.”⁶⁸³

Interestingly, allegations of chemical weapons use have surfaced within the Darfur conflict. In September 2004, the conservative German daily newspaper *Die Welt* published allegations that the Sudanese and Syrian governments were using chemical weapons in Darfur.⁶⁸⁴ The article had a specific racial tone as the article claimed that the weapons were to be tested on “the black African population”. The newspaper claimed western intelligence services as its source. Similar allegations surfaced at the same time in Norwegian state media. The story was soon discounted, by, amongst others, the American government and German intelligence, but not before it had been picked up and republished by major news agencies and by the media world-wide.⁶⁸⁵ German intelligence sources blamed the fabrication on Sudanese exile groups.⁶⁸⁶ The British government subsequently stated that it had “seen no credible evidence” to support the allegation.⁶⁸⁷ The Norwegian variant on the story was sourced back to the Sudan Liberation Army through Norwegian People’s Aid, an anti-Khartoum organisation with a history of fabricating propaganda stories – including earlier disproved “chemical weapons” claims in southern Sudan.⁶⁸⁸

“Genocide” in Darfur

The latest sensationalist claim has been “genocide” in Darfur. The international, and particularly US, media, has carried a number of reports alleging “genocide” and “ethnic cleansing” in Darfur. This has been despite the fact that such claims have been challenged by seasoned aid groups such as Médecins Sans Frontières, and only really advanced by a politically opportunistic Bush Administration.

With few exceptions, the international media’s coverage of the Darfur conflict has been self-evidently lacklustre. The very dynamics of the conflict has not even been adequately analysed or reported. Most coverage has taken at face value rebel claims that they are fighting against underdevelopment and marginalisation in Darfur. As we have seen this has been challenged by fiercely anti-government critics such as Ghazi Suleiman. Neither Turabi’s name, nor the Islamist involvement, featured much in media coverage of the conflict, particularly earlier coverage.

Professor Moeller’s clinical description of how the media handles crises is instructive – a description that fits the way in which the Darfur crisis has been presented:

Almost every night, [the crisis] will become a front-page, top-of-the-news story. Print and television reporters, photographers and camerapeople flood the area. At this point, the story is grossly simplified: clear victims, villains and heroes are created; language such as ‘harrowing,’ ‘hellish,’ ‘unprecedented,’ ‘single worst crisis in the world,’ [crisis] of the century’ is employed; huge numbers are tossed off frequently and casually, with few references to sources...[The crisis] dominates coverage of international news, and for a while even domestic events. It becomes the focus of presidential and congressional debate and action. It becomes a cultural and moral bellwether for the nation...By this stage, the story has become a runaway engine...The success of that morality play story line rests on the fact that it is easy to understand and appreciate...The set piece is ideal material for television and superficial print coverage.⁶⁸⁹

Moeller additionally cites one disaster reporter as noting that there is “a common period in disaster reporting – exaggerating the immediate and long-term impact. We will *always* gravitate towards the largest kill count... We will *always* speculate...the cosmic consequence.”⁶⁹⁰

That there has been superficial and exaggerated press coverage of the Darfur crisis is clear. That many news reports have accepted rebel propaganda is unsurprising. Much of this reporting has been done by journalists who were taken on guided tours by the rebels in Darfur.⁶⁹¹ Only one of these journalists subsequently contacted the government of Sudan stating that he wished to visit government areas to give the government’s position. That the reporting by these journalists in large part reflected claims made by the rebels is self-evident. This despite the fact that, as also noted by Reuters, “it is hard to independently verify claims by government or rebels in Darfur.”⁶⁹² It is also clear that some of these journalists are long-time anti-Sudan activists (such as Julie Flint) who have previously made several questionable claims about events in Sudan.⁶⁹³ And, in addition, there are also those journalists who wish to present one side as exclusively good and the other as exclusively bad. An example of this was the Scottish *Sunday Herald*’s August 2004 article “And With Darfur’s Rebels”, which actually used the phrase “guys in white hats” with regard to the SLA.⁶⁹⁴

Much of the media would once again appear to have gone for the sensationalist story in Sudan – at the expense of professionalism. Andrew Buckoke, a British foreign correspondent who has written for *The Guardian*, *The Economist*, *The Observer*, *The Financial Times* and *The Times*, has provided an insight into the mindset – even on non-controversial issues – which should be borne in mind when reading claims of “genocide” and “ethnic cleansing” in Darfur. He cited the example of the sensationalistic coverage of the floods in Sudan in August 1988. Torrential rain on the headwaters of both the White Nile and Blue Niles had resulted in intense press prediction and speculation that Khartoum “would disappear under a gigantic whirlpool”.⁶⁹⁵ Buckoke was sent to cover this impending disaster and found there was none to report on: “The Nile never did burst its banks, nor was any significant damage due to the downpour evident in central Khartoum.”⁶⁹⁶ This, however, did not stop “the story still being taken very seriously in the outside world, and I was rebuked by a telex demanding more drama and detail”. Despite their being a non-event,

“the floods were the biggest story out of black Africa”.⁶⁹⁷ Buckoke questions the international coverage: “How did the coverage...get so distorted and imbalanced, as they so often do when Africa is involved?”⁶⁹⁸ He also notes that “the whole story was out of control. Journalists, aid agency workers, the government and donors had been caught from the beginning in a self-sustaining spiral of exaggeration.”⁶⁹⁹

It can be argued that Andrew Buckoke’s use of the term “self-sustaining spiral of exaggeration” applies equally to sensationalistic claims of “genocide” in Darfur. What has happened there is bad enough. Given the expected storyline set by editors it would be a brave journalist indeed who returned from a week of milling around in the sands of Chad or along the border with Sudan or even a week or so in Khartoum’s hotels without filing the some sort of story of “ethnic” cleaning or genocide. This does not, of course, in any way excuse the unprofessional way in which Sudan continues to be covered by many journalists. Given the track record of questionable claims about Sudan, one would have expected professional journalists to have taken a much more cautious approach to events in Darfur.

Prunier has been critical of media coverage of the Darfur crisis, noting that “the first US article on [Darfur] focused immediately on the ‘Black versus Arab’ side of the problem, an aspect which, even if justified, was going to obscure rather than clarify the essential elements in the following months because of its misleadingly ‘evident’ explanatory power.”⁷⁰⁰ He further observes that following the anniversary of the Rwanda violence, and attempts to link Darfur to Rwanda:

Newspapers went wild and the New York Times started to write about ‘genocide’. The ‘angle’ had been found: Darfur was a genocide and the Arabs were killing the Blacks. The journalists did not seem unduly concerned by the fact that the Arabs were often black, or that the ‘genocide’ was strangely timed given Khartoum’s diplomat goals in Naivasha...What is conventionally known as ‘world opinion’ now cared about Darfur, even if the actual mechanics of what was happening remaining obscure. But the moral outrage which was felt tended to overshadow, if not hide completely, the political nature of the problem. Some specialized articles started to disentangle

the various lines of causality but soon got lost amid the loud humanitarian demands for action.⁷⁰¹

Prunier also specifically examined the media's embracing of the genocide label: "The reason seems to be the overriding role of the media coupled with the mass consumption need for brands and labels. Things are not seen in their reality but in their capacity to create brand images, to warrant a 'big story', to mobilize TV time high in rhetoric. 'Genocide' is big because it carries the Nazi label, which sells well. 'Ethnic cleansing' is next best (though far behind) because it goes with Bosnia, which was the last big-story European massacre. But simple killing is boring, especially in Africa."⁷⁰²

There are numerous instances of poor journalism on Darfur. The following are a few examples.

The New York Times: Questionable Journalism

In the course of 2004, *The New York Times* published a number of articles alleging that genocide is taking place in Darfur. The newspaper has also published articles alleging that there has been systematic "ethnic cleansing".⁷⁰³ Mark Lacy, for example, has claimed that the "Janjaweed" have been purging "villages of their darker-skinned black African inhabitants".⁷⁰⁴ Nicholas Kristof, a former editor of *The New York Times* turned columnist, has repeatedly claimed genocide in Darfur, asserting that the "Arabs" have been targeting "blacks", citing claims that "The Arabs want to get rid of anyone with black skin...there are no blacks left."⁷⁰⁵ In another article Kristof alleges that "black Africans have been driven from their homes by lighter-skinned Arabs in the Janjaweed".⁷⁰⁶ These sorts of claims are particularly inflammatory and very questionable. (The racial dimension of their claims would also be called into question by subsequent *New York Times* articles with titles such as such as "In Sudan, No Clear Difference between Arab and African".⁷⁰⁷) The discrepancy between simple factual Darfurian realities and the "reporting" and claims of people such as Kristof and Lacy exposes either poor reporting (of very sensitive issues) or reporting that has been purposefully skewed. Either is simply unacceptable. It is perhaps worth noting that Kristof's reporting on other issues has been repeatedly criticised for its shortcomings. His coverage of Africa in

general was described as cynical and distorted and “bizarre” by African academics.⁷⁰⁸ It should also be noted that Kristof is no stranger to blunders, managing to get his newspaper sued over claims made in the wake of the post-September 11 anthrax scare when he erroneously pointed the finger at an American scientist as being responsible.⁷⁰⁹

Even *The New York Times*, while blithely claiming genocide has admitted at the same time that “it is impossible to travel in Darfur to verify these claims”.⁷¹⁰ Despite these circumstances, Lacy, Kristof and others have rushed in to make the most serious claims imaginable. And, as we have seen above, claims of “ethnic cleansing” and “genocide” in Darfur have also been categorically contradicted by seasoned humanitarian groups with hands-on experience of events within Darfur such as Médecins Sans Frontières. Dr Mercedes Taty, MSF’s deputy emergency director, was one of those aid workers who have gone on record to refute allegations of genocide and ethnic cleansing. Amazingly enough, Nicholas Kristof has actually quoted from Dr Taty in one of his articles claiming genocide in Darfur. He apparently did not ask the most obvious question, or if he did he chose to ignore the answer. He obviously thought that his one or two day visits to the Chad border, running after third- and fourth-hand stories provided him with a better picture than someone such as Dr Taty, and MSF, whose thousands of workers have worked at the heart of the affected area for over a year.

Kristof’s apparent disinclination to even discuss MSF’s reservations is a strange one journalistically. As Professor Moeller has noted: “The central heroes of [crisis] are the western aid workers.” She quotes a commentator as saying that “The age of the ‘French doctors’” has come.⁷¹¹ Moeller also notes: “In contrast to the victims, the relief workers are extensively quoted. As the on-scene mediators in the [crisis] world, their comments are used both as the ‘deus ex machina’ of the stories and as providers of verbal ‘color.’ Their words give the political and social context and much of the anecdotal fillip.”⁷¹² In the words of Michael Maren, a journalist and former aid worker cited by Moeller, journalism can become “impervious to facts that do not fit the popular story line”.⁷¹³

For all its sensationalism and inaccuracies, Kristof’s reporting succeeded in adversely influencing thinking within the United States. *Foreign Affairs* magazine, for example, noted that “[t]he genocide debate took off in March

2004, after New York Times columnist Nicholas Kristof published a number of articles making the charge.” These were said to have “stimulated...calls for action from an unlikely combination of players – Jewish-American, African-American, liberal, and religious-conservative constituencies.”⁷¹⁴ The lessons of previous mistakes have clearly not been learnt. Professor Susan Moeller has stated that “conventional wisdom” has it, as Senator Paul Simon wrote in 1994, that “The media brought the disaster of Somalia into our living rooms. The American people and our government were moved to action.”⁷¹⁵ It is, of course, now widely accepted that the American intervention in Somalia had disastrous consequences – for the Somali people, for American prestige and for American foreign policy.

The Washington Post: A Recruiting Sergeant for al-Qaeda?

The Washington Post's editorial stance on Darfur has been both remarkably shallow and sensationalist – never a good combination. In a series of editorials in the course of 2004, the newspaper repeatedly described events in Darfur as genocide.⁷¹⁶ Its June 7 2004 editorial, “300,000 Deaths Foretold”, for example, merely echoed, and in some instances updated, much of the misinformation that has previously so clouded perceptions of Sudan. In some instances it was simply untruthful. The editorial sought to draw parallels between events in Darfur and the recently concluded civil war in southern Sudan. It additionally attempted to compare the situation in Darfur with Rwanda or even Cambodia. These attempts – which are little more than crude opportunism - were all the more shameful given that they come from a newspaper of record.

The editorial claimed genocide and ethnic cleansing in Darfur. In attempting to make its case, *The Washington Post* has made assertions that are at best very questionable where not simply untruthful. It claimed that “almost no foreign aid workers operated in the region” – this despite the fact that there were over a thousand present at that time. A prime example of *The Washington Post's* crassness was its claim that “Sudan’s government is delighted with the war’s ‘slaughter’”. The editorial staff had not even asked of themselves the most elementary of questions: who benefits from the Darfur situation? Khartoum has not. The Zaghawa and Fur communities have not. The only people to benefit from Darfur are those Islamist extremists who succeeded in drawing Khartoum

into a war in the region, and those within the anti-Sudan lobby who have not hesitated to continue with their long-standing propaganda war against Sudan.

The Washington Post was also caught out in more lies. Much of the debate about Darfur now evolves around the need to provide war-affected communities in Darfur and refugees in Chad with humanitarian assistance. In trying to argue that Khartoum wants 300,000 of its own civilians to starve, *The Washington Post* claimed that in “its long war against the country’s southern rebels” the government has used “starvation” as a weapon stating that Khartoum’s response to humanitarian access was “always late and inadequate”. This could not be a more blatant lie. Humanitarian relief to the war-affected parts of southern Sudan is provided by Operation Lifeline Sudan (OLS). OLS began in 1989 under the auspices of the United Nations, and with the full approval and cooperation of Sudanese government. OLS was unprecedented in as much as it was the first time that a government had agreed to the delivery of assistance by outside agencies to rebel-controlled parts of its own country, something confirmed by *The Journal of Humanitarian Assistance*: “It was the first time a government agreed on a violation of its own national sovereignty by accepting that humanitarian organizations aid rebel-held areas. Further, the negotiators decided that non-government areas would be supplied from Lokichoggio, Kenya, consequently establishing the first legitimate cross-border operation for the delivery of humanitarian assistance.”⁷¹⁷

As *The Guardian* also observed: “Governments involved in civil wars usually refuse to authorise cross-border feeding.”⁷¹⁸ Far from using “starvation” against southern Sudan, independent observers confirmed that the number of Khartoum-approved OLS feeding sites in southern Sudan served by air grew within five years from ten in 1992 to over 200 sites by the end of 1997 - a twenty-fold increase.⁷¹⁹ Each and every one of these sites had been agreed upon by the Sudanese government. Khartoum could have refused to increase the number from the initial ten. There was also a similar increase in the number of approved non-governmental organisations operating within southern Sudan. There had only been six or seven NGOs working in the southern sector in 1992.⁷²⁰ OLS brings together over 40 non-governmental organisations, including the UN World Food Programme and UNICEF. It is additionally worth noting that these increases in food delivery sites were also agreed by the Khartoum authorities despite it being widely known that the southern rebels

were diverting very sizeable amounts of this aid for its own uses.⁷²¹ Far from starving civilians, there were unanimous United Nations resolutions acknowledging “with appreciation” Khartoum’s cooperation with agreements and arrangements facilitating “relief operations”.⁷²²

In projecting its claims of genocide in Darfur, *The Washington Post*’s figures for those who have died as a consequence of the crisis have grown exponentially. In February 2004, Amnesty International cited the United Nations figure of 3,000 deaths.⁷²³ By August 2004, *The Washington Post* was citing 80,000 deaths.⁷²⁴ In October 2004, the death toll is variable with figures ranging from 50,000 to 70,000 to 300,000 – a figure provided by established anti-Sudan activist Eric Reeves, described disingenuously by the newspaper as “an independent Sudan watcher”.⁷²⁵ By November 2004, the figure is unquestioningly said to be 300,000.⁷²⁶ *The Washington Post*’s choice of Reeves, one of the most jaundiced and inaccurate commentators on Sudan and the description of his figure of 300 - 400,000 as the “best” estimate available, is revealing.

To make its case *The Washington Post* has also had to ignore the fact that the rebel movements have been at the heart of so much of the violence, and disruption of essential food aid deliveries, over the past several months. Indeed, when it is forced to mention repeated rebel attacks in November and December 2004, the editorial line is that the murder of policemen and aid workers, and attacks on aid convoys, are little more than a rebel cry for help.⁷²⁷

The Washington Post’s editorial position has also neglected to note any Islamist involvement in the Darfur crisis, accepting rebel claims about “marginalisation” being the reason for the conflict. Interestingly, *The Washington Post* editorialists called on European countries to militarily intervene in Darfur, stating that “the United States is overcommitted militarily in Iraq and elsewhere”. The United States is overcommitted for the simple reason that it is mired in increasingly unsuccessful military interventions in two other Muslim countries, Iraq and Afghanistan. These interventions have served to galvanise anti-American forces, armed and unarmed, across the political spectrum within those countries and internationally, as well as attracting vast numbers of al-Qaeda fighters. Western military intervention in Sudan, another Muslim country, would have a similar effect. Simply put, *The Washington Post*’s editorial stance has put propaganda before both people in need and national security.

The London Sunday Times Magazine: A Study in Inept Journalism:

On 11 July 2004, the London *Sunday Times* magazine carried an article written by AA Gill, on the situation in Darfur. Written by someone better known as a restaurant critic, the article was described as the “first of our series of stirring reports from around the world” and featured a picture of Gill swathed in a head-scarf on the magazine cover. Entitled “Welcome to Hell”, the article demonstrated almost every facet of the poor journalism that has characterised media coverage of the Darfur crisis. His first piece of foreign reporting, Gill rushed at the Darfur issue with all the enthusiasm of a cub reporter – and made all the mistakes one would have expected from one.

Gill chose the easy option on Darfur, echoing sensationalist claims, stating for example that “there are rumours of war, of genocide, of ethnic cleansing” before moving on to assert that there is “ethnic cleansing and genocide”, and then concluding that the Sudanese government is a “blatantly racist, genocidal regime”. Gill’s inept journalism, based on a short visit to the Chadian side of the border, was illustrated by his attempt to produce evidence for the “genocide”. As proof of genocide and ethnic cleansing Gill pointed to the fact that in the refugee camps he visited “all the refugees are black: there are no Arabs here.” Here Gill made his first mistake. As we have seen, both “African” and “Arab” in Darfur are black. Any number of anti-government sources have shown Gill’s claims to be dangerously lazy racial shorthand. Perhaps Gill was expecting “Arabs” to be Omar Sharif lookalikes. The discrepancy between simple Darfurian realities and the “reporting” and claims of people such as Gill exposes either poor reporting or reporting that has been purposefully skewed. Either is simply unacceptable: in Gill’s case it was all too obvious that it is merely poor journalism.

AA Gill chose to make serious claims of genocide in Darfur – this despite the unambiguous observations of groups such as Médecins Sans Frontières. This was even more surprising as what little “front-line” colour there was in Gill’s report came out of visits to MSF camps and facilities on the border. While visiting their camps, Gill seemingly neglected to ask MSF for their view of claims of genocide. Gill would have also come across these views had he done even a basic internet search. He opted, however, for easier, more sensationalist and less demanding story-lines.

Gill was equally strident in his claims that humanitarian access to Darfur is being blocked by the Khartoum authorities, claiming: “invariably the promised visas for observers and NGOs never materialise... There are 500 applications from humanitarian agencies alone gathering dust.” This claim would come as a surprise to aid workers in Darfur. Mr Jan Egeland, the United Nations Under-Secretary-General for Humanitarian Affairs (and a fierce critic of the government), stated in early July – a week before Gill’s article – that he was surprised to see claims that aid was not reaching Darfur: “It is strange to see that there is still the notion in the world that nothing is happening and we’re completely blocked from accessing Darfur. We are reaching some 800,000 people at the moment with some sort of assistance and food.”⁷²⁸ Gill may also have been interested that three weeks before his *Sunday Times* magazine article, Mr Kevin Kennedy, the outgoing acting UN Humanitarian Coordinator for Sudan, stated that visas were generally being granted within 48 hours and that “people are experiencing very few visa difficulties”.⁷²⁹ Gill’s claims were also somewhat dented by the United Nations announcement one week prior to his article that two million children in Darfur had been immunised against measles.⁷³⁰ This was carried out by 2,000 health teams made up of WHO, UNICEF and other humanitarian workers – all of whom would presumably have needed visas of some sort.

AA Gill’s gullibility appeared to know no bounds. He rounded off his lacklustre piece on Darfur by repeating a few more stale and discredited claims about Sudan. He states, for example, that Khartoum has “attempted to develop chemical and nuclear weapons”. This will come as news to the International Atomic Energy Agency and the Organisation for the Prohibition of Chemical Weapons. The Clinton Administration’s farcical 1998 cruise missile attack on the al-Shifa aspirin factory in Khartoum and its subsequent inability to substantiate its claims (and Gill’s) about Sudan and chemical weapons was painful and public.⁷³¹

The Independent on Sudan: Lies and Hypocrisy

The Independent, a British newspaper, has over the years established itself as a newspaper which showed a genuine interest in Africa and African issues. Sadly, its coverage of the Darfur crisis has also demonstrated every shortcoming

associated with Western media coverage of the continent: inaccurate reporting, sensationalism, prejudice and hypocrisy. In a mirror image of *The Washington Post*, *The Independent's* editorial line has claimed that events in Darfur were genocide and has called for military intervention. The newspaper enthusiastically proclaimed Colin Powell's 9 September 2004 claim of genocide in Darfur with a banner-page headline, "Genocide", the following day.⁷³² Given that *The Independent* has hitherto been very cautious about believing anything claimed by Colin Powell it is very surprising that it unreservedly accepted at face value Powell's claim of genocide in Darfur, let alone to have given his assertion such prominence in the paper.⁷³³ (Ironically, *The Independent* was the first paper to subsequently report that Powell's claim was made to please the religious Right within the United States.)⁷³⁴

This leads to the first surprise about this newspaper's embracing of claims of genocide. Not many months previously, *The Independent* had been at the forefront of opposition to any American military intervention anywhere, and was particularly prominent in the opposition to the American-led war in Iraq. It published several editorials and numerous comment pieces and news items critical of the war. It warned about American claims leading up to the Iraq war.⁷³⁵ It reported on the horrific nature of the American-led war in Iraq.⁷³⁶ It reported on the gradual disintegration of the American reasons for invading Iraq in the first place.⁷³⁷ And it has reported on the consequences of the American invasion of Iraq.⁷³⁸ *The Independent* has also asserted that President Bush and Colin Powell led Britain into an illegal war in Iraq.⁷³⁹ Yet, the newspaper's editorialists appear to be blind to the fact that in their unquestioning acceptance of clearly questionable American claims about another Muslim country – and in their calls for military intervention – they have reduced *The Independent* to nothing more than a mindless cheerleader for action that could be every bit as badly thought-out and disastrous as Iraq.

It is worth noting that *The Independent* was very critical of Prime Minister Tony Blair for supporting the Bush Administration's invasion of Iraq. It has claimed he was suckered into doing so by untrue American claims about the country.⁷⁴⁰ It is ironic that with regard to American claims about Darfur, unlike Mr Blair – who has been far more cautious and better informed about the issue on this occasion – it is *The Independent* that appears to have been suckered by Washington.

In any instance, the case made by *The Independent* to support its claim of genocide and call for military intervention is flimsy. The editorial which accompanied its “Genocide” front-page banner headline, for example, claimed that “By any civilised standards, the slaughter of 50,000 people constitutes genocide” and pressed for military intervention.⁷⁴¹ Given that the figure cited was a controversial statistical extrapolation, and included those who may have died from malnutrition and disease, the use of the term “slaughter” was immediately questionable, as was the inference that any war in which 50,000 may have died automatically qualifies as “genocide”. The intellectual and linguistic sloppiness of *The Independent*’s editorial team is manifest. This has not stopped it making repeated claims of genocide in Darfur.

Johann Hari, a regular columnist with *The Independent*, has led the newspaper’s attempts to describe events in Darfur as genocide. In so doing he has made repeated references to, amongst other things, the film “Schindler’s List” and the Rwandan holocaust.⁷⁴² Indeed, in his enthusiasm, he has trivialised concern for the Nazi Holocaust: “If we don’t intervene in Darfur, you can toss your tear-stained copies of ‘Schindler’s List’ on to a bonfire.”⁷⁴³ Amazingly enough, however, in his article of 23 April 2004 claiming genocide, he quotes from one Mercedes Tatay [sic], whom he describes as “a Darfur-based physician with the aid group Medecins Sans Frontieres”, as giving “a glimpse into the state of a country where journalists are being denied access”. This is, of course, Mercedes Taty, the deputy emergency director of Médecins Sans Frontières, someone who had indeed been based in Darfur, and who had been interviewed on 16 April by MSNBC. Hari cites Taty’s comments about the destroyed villages in Darfur, but conveniently ignores the fact that she unambiguously said events in Darfur did not constitute genocide – and that there was no systematic targeting of one ethnic group or another: Taty also said the crisis could not be described as ethnic cleansing. Hari’s article was one more example of appalling, two-faced journalism on Darfur. In his enthusiasm to claim genocide in Darfur, however, Hari actually compares Darfur to the Holocaust, Nazi death camps and IBM.⁷⁴⁴ Unsurprisingly, given this sort of word-blindness, Hari’s Darfur articles regurgitate all the standard propaganda lines on the issue. He writes about “racist Sudanese militias” engaging in “attacks against black people”, and their disruption of “basic food and medicine supplies”.⁷⁴⁵ He has claimed that “the Arab majority is continuing to rape and

slaughter the black minority”.⁷⁴⁶ And just as the United Nations tells us that things are getting better, the situation has stabilised, war-affected communities are being fed, Hari, once again claiming genocide, informs his readers that “the situation...is getting worse”.⁷⁴⁷

In early October 2005, Hari produced his most skewed article. Entitled “The first genocide of the twenty-first century is drawing to an end”, this article claimed that “the holocaust in western Sudan is nearly over...because there are no black people left to cleanse or kill.” He asserted that the Sudanese government have killed 400,000 black Darfurians.⁷⁴⁸

Hari’s grotesque distortion of the reality of events in Darfur complemented the newspaper’s general Darfur coverage. Despite having published a glowing account of Médecins Sans Frontières in July 2004, *The Independent’s* editorialists conveniently overlooked MSF’s views on claims of genocide in Darfur.⁷⁴⁹ It has also published blatant untruths. In January 2005, for example, it alleged that the charity Save the Children “was expelled from the country last year”.⁷⁵⁰ The reality was that Save the Children had voluntarily left Darfur following the murder by rebels of four of their staff. This had even been reported on by *The Independent’s* own correspondents.⁷⁵¹ *The Independent’s* editorialising about the murder of aid workers also demonstrated its slant. The newspaper had ignored the fact that the Darfur rebels had murdered a number of aid workers – including the four Save the Children personnel, had abducted dozens of others and had repeatedly attacked aid convoys over several months in 2004. It chose to editorialise when another aid worker was killed in cross-fire during an engagement between government forces and rebels. Its editorial then accused the government of the “deliberate targeting of aid workers” and inferred that the government had killed the four Save the Children workers, thereby forcing the organisation out of Darfur.⁷⁵²

It is still puzzling that *The Independent* finds itself in the lonely position of enthusiastically articulating American claims about genocide in Darfur – claims which even the Americans appear not to take too seriously – in the face of precisely the sort of concerns it raised about previous American assertions about Iraq: widespread international unease about the American claims, the horror of the military intervention that would be needed and the unpredictable outcome and legality of any such intervention. The question it has not posed or answered is that given the chaos that we now see in Iraq, whether the people

of Darfur would be any better off with a similar intervention in their homeland. Would Darfur – and Sudan and possibly some of her neighbours – merely become the latest extension of Afghanistan or Somalia, a failed state with no international humanitarian presence?

BBC Panorama, “The New Killing Fields”, 14 November 2004

British foreign minister Mullins has also been critical of BBC coverage of the Darfur crisis: “I continually hear reports of the situation in Darfur, often on the BBC, as if only one party – the Government of Sudan – were involved...we do ourselves no service in improving our understanding of what is happening there if we continually pretend that it is all due to the Government of Sudan. That is not the case.”⁷⁵³ “The New Killing Fields”, a BBC Panorama programme, presented by American reporter Hilary Andersson and screened on 14 November 2004, provided clear evidence of this poor reporting. The programme deviated significantly from the journalistic standards normally associated with the flagship Panorama series and violated the BBC’s own *Producers’ Guidelines*. These guidelines declare that “[a]ccurate, robust, independent, and impartial, journalism is the DNA of the BBC” and called for people to be able to rely on the BBC for “unbiased and impartial reporting and analysis to help them make sense of events; and where a debate can take place in which relevant and significant voices are heard”.

It goes without question that any journalistic investigation of allegations of genocide must be thoroughly professional and objective. Anything less is simply unacceptable. The BBC’s “The New Killing Fields” fell considerably short in both respects. The thrust of the programme was clear. It argued a case for genocide in Darfur – the title of the programme made that clear from the start – but in making its case it presented an incomplete and questionable picture of events to support its assertions.

Ms Andersson’s report essentially cut and pasted footage in an attempt to put her case for genocide in Darfur. This undermined the report’s chronological integrity from the very beginning of the programme. It is a simple fact that the bulk of the actions that framed the tragedy of Darfur happened up to April 2004. The April ceasefire and the deployment of thousands of policemen

in Darfur essentially stabilised the situation in Darfur. Ms Anderson reported from Darfur during this earlier period and did not then assert that genocide had taken place. It is hard to see how not having seen or reported “genocide” then, that a subsequent visit to Darfur during a period of comparative stability during which the UN and other aid agencies were able to reach most if not all of those Darfurian communities in need of humanitarian assistance, Ms Andersson was then able to insinuate that genocide has/is taking place in Darfur. Ms Andersson’s attempt to update her coverage of Darfur from earlier in 2004 did not produce anything remotely supportive of her assertions of genocide in Darfur. By way of evidence Ms Andersson produced interviews and a Sudan Liberation Army rebel videotape which – even if taken at face value – point to the sorts of appalling human rights abuses that are tragically a hall-mark of many African and European civil wars. However much Ms Andersson and Panorama may have sought to package the suffering of those she interviewed; it was simply not evidence of “genocide”.

While there were several examples of questionable and lacklustre journalism in the BBC programme, two issues stood out. The first point is that there was a clear failure to reflect “all significant strands of opinion” as stipulated in the BBC’s *Producers’ Guidelines*. The guidelines state: “Openness and independence of mind is at the heart of practising accuracy and impartiality. *We will strive to be fair and open minded by reflecting all significant strands of opinion, and by exploring the range and conflict of views. Testing a wide range of views with the evidence is essential if we are to give our audiences the greatest possible opportunity to decide for themselves on the issues of the day.*” [Emphasis added] With regard to “accuracy” and “achieving accuracy”, the Guidelines state that “The BBC must be accurate. Research for all programmes must be thorough. We must be prepared to check, cross-check and seek advice, to ensure this. *Wherever possible we should gather information first-hand by being there ourselves or, where that is not possible, by talking to those who were.* [emphasis added] Accuracy can be difficult to achieve. It is important to distinguish between first and second-hand sources.”

With regard to “impartiality in general”, the BBC’s *Producers’ Guidelines* clearly states that: “*No significant strand of thought should go unreflected or under represented on the BBC.*” [Emphasis added] The Panorama programme clearly did not reflect “all significant strands of opinion” on allegations of genocide

in Darfur. Ms Andersson also did not talk to “those who were [there]”. Her programme pointedly ignored the views of the most respected, independent, vocal and accessible authority on the issue of genocide in general and allegations of genocide in Darfur in particular – the views of Médecins Sans Frontières, the biggest humanitarian aid agency present in Darfur.

There were therefore several question-marks over this BBC programme. Was Ms Andersson or the BBC aware of Médecins Sans Frontières’ stance with regard to allegations of genocide in Darfur? Why were the clearly relevant views of Médecins Sans Frontières ignored in her report? Why did Ms Andersson not interview Médecins Sans Frontières about allegations of genocide in Darfur? Did she really believe that MSF’s view on the issue of genocide was irrelevant or not significant? If she was not aware of MSF’s position would that not indicate inadequate background research on this grave issue? It is all the more surprising that Ms Andersson did not approach Médecins Sans Frontières given that she filmed MSF facilities in Darfur. Why did Panorama chose to use MSF as a prop and not a commentator? Could this have been because Ms Anderson knew they may well have contradicted the core of her report?

Similarly, it is strange that while interviewing African Union officials in Darfur, she pointedly chose not to ask their position with regard to allegations of genocide in Darfur. Like Médecins Sans Frontières, the African Union has a presence in Darfur, albeit subsequent to that of MSF, and, as we have seen above, its position that there is no genocide in Darfur is a clear one. Given that Ms Andersson self-servingly interviewed African Union officials about allegations of human rights abuses, why did she not interview the African Union about allegations of genocide in Darfur? Was she aware of the African Union’s stance with regard to allegations of genocide in Darfur? If she was not aware of the African Union’s position, would that not indicate inadequate background research on this serious issue?

Secondly, the BBC’s *Producers’ Guidelines* note the importance of using “accurate language”, stating that “it is not sufficient that we get our facts right. We must use language fairly. That means avoiding exaggeration. We must not use language inadvertently so as to suggest value judgements, commitment or lack of objectivity.” The title “The New Killing Fields” was simply unacceptable. They are words that directly refer to the genocide in Kampuchea

in the 1970s – and were the title of a well-known film about the Kampuchean genocide. The absence of a question mark in the title was even more insidious. The use of this title implied precisely the sort of value judgement and lack of objectivity warned against in the *Producers' Guidelines*.

The *Producers' Guidelines* additionally refer to “hurtful or inaccurate stereotypes” and under a section headed “misleading images” states that “Programmes must not allow offensive assumptions or generalisations in scripted material, and interviewees who express them need to be challenged wherever possible.” The BBC programme resorted to inaccurate stereotyping regarding Darfur, repeatedly referring either to “black Africans” or “Arabs”. Ms Andersson referred, for example, to “black African rebels”, “black Africans”, “black African civilians”, “African families”, “black African population”, “black African civilian areas” etc. She also referred to “Arab militias”, “Arab-looking” and “the Arabs”. In so doing Ms Anderson wittingly or unwittingly perpetuated the patently inaccurate stereotype that the conflict in Darfur has been a racial one in which light-skinned “Arab” tribes have been engaged in the “genocide” of black “African” tribes. These sorts of claims are self-evidently inflammatory and very questionable. Ms Andersson may only have spent a short time in Darfur but it cannot have escaped her notice that “Arab” and “African” communities in Darfur are both black – a reality repeatedly confirmed by prominent critics of the Khartoum government. Why was it that in the hour-long Panorama programme, Ms Andersson did not even address the fundamental issue of identities outlined above? While there could conceivably be a case for referring to “African” and “Arab” in the cultural context cited above, Ms Andersson’s repeated use of the term “black” within the Darfur context, however, in which both “Arab” and “African” are equally black-skinned is either deliberately self-serving and sensationalist or simply lazy journalism. Neither should have a place in BBC journalism.

A subsequent BBC Panorama programme, entitled “Never Again”, and presented by Fergal Keane, echoed many of the sloppy claims made by Hilary Andersson. The title of the programme demonstrated the slant the programme was to take. Keane interviewed exclusively anti-Sudanese sources and – following Andersson’s lead – chose not to talk to anyone or any group such as Médecins Sans Frontières in a position to contradict what was clearly a pre-determined conclusion. Even when one of his key interviewees, former US

senator and US ambassador to the UN John Danforth, revealed that the US government had only used the genocide label to appease the Christian right within the United States, Keane persisted with the innuendo of “never again”.⁷⁵⁴

It is worth noting that Gérard Prunier is critical of claims of “ethnic cleansing” in Darfur: “The notion of ‘ethnic cleansing’, implying that the [Government of Sudan] had been trying to displace African tribes in order to give their land to ‘Arabs’, is not backed by any evidence other than the shouts hurled at the victims by the perpetrators themselves. Although they (the perpetrators) might have hoped for such an outcome of the massacres, it is doubtful that a policy of that kind had been clearly thought out in Khartoum.”⁷⁵⁵ He noted that “[t]he term ‘ethnic cleansing’ was first used in connection with Darfur in a BBC commentary on 13 November 2003 and it was soon expanded into the accusation of genocide.”⁷⁵⁶

An American Media Critique of Itself

A September 2004 article in *The Village Voice*, a liberal New York newspaper, provided one of the most insightful critiques of American news coverage of Darfur. It is worth quoting it at length:

For news outlets covering the conflict in Sudan, the killings, rapes, and razing of villages boils down to one factor – race. *The Washington Post* and *The New York Times* have repeatedly characterized attacks by the Arab riders of the government-backed Janjaweed as a war against “black Africans.” The Associated Press has referred to the turmoil in the Darfur region as fighting between Arabs and “ethnic Africans.” Clinging to race as an explain-all theory might make for more readable stories, but it has a central flaw. Many of the Sudanese “Arabs” are as dark as the “ethnic Africans” they are at war with... “If you look at most of the media coverage, you get the impression that Sudan is made up of white people, who are mostly Arabs, attacking black people who aren’t Arab,” says Bill Fletcher, president of TransAfrica Forum. “Some of the Africans in question are Arab, some are not. But they are almost all black – at least the way we understand it. Being Arab is a matter of culture and language. Arabs

look all kinds of ways, but you'd never get that impression."... The narrative of Darfur involves issues of religion, climate, and competition for land... Nuanced and accurate, this kind of explanation has little chance of making it into the morning papers... In much of its coverage [*The New York Times*] has been sucked in by the siren song of race. An August 20 piece cited "the war in western Sudan, pitting the Arab-led government against black Africans in Darfur."⁷⁵⁷

In the *Online Journal's* independent critique of Eric Reeves' activity on Sudan – he "may be the major source of disinformation (he calls it 'analysis') about Darfur" – the gullibility of the American media is also criticised: "How curious that the American media latches on to Mr Reeves' one-sided falsehoods by way of presented out-of-context half-truths while at the same time ignoring the dispatches of other journalists, including those who have provided eyewitness accounts... Reeves' pieces altogether comprise of several dozens of pages which have the same basic thrust, yet he utterly ignores the realities of the two-decades-plus Civil War in Sudan and even the more recent background of violence... Reeves', and by extension, the newspapers that publish him, morality is clearly a one-way morality. In other words, a hypocritical immorality." The *Online Journal* concludes: "In sum, what the American media has poured down an unsuspecting public's throat is a hellish brew of selective half-truths, sophistry, and *ad hominem* pseudo-arguments."⁷⁵⁸ That any newspaper worth that name would publish material by Reeves is surprising. There can be no greater indictment on the ethics and standards of American journalism. Reeves, however, has provided students of the media-propaganda dynamic with a snap-shot of gullibility and culpability. In an attack on "shamefully irresponsible journalism" – that is to say those newspapers and wire services that have not accepted his claims of 400,000 dead in Darfur – Reeves provides us with a list of those "news organizations, editorial boards and journalists" that have. They include "the editorial boards of the Washington Post and Boston Globe; Bloomberg News; the Canadian Broadcasting Corporation; and experienced Sudan journalists such as Julie Flint."⁷⁵⁹ The *Online Journal* states that *The Washington Post* has, indeed, been "a major conduit for Mr Reeves' misinformation".⁷⁶⁰

In her study of media reporting and compassion fatigue Professor Moeller has also pointed to other media shortcomings which can also be applied to reporting of the Darfur crisis:

The media should commit to covering international affairs as they cover domestic crime. If they report on the arrest of a suspect, they have an ethical responsibility to follow up and report on the outcome of that arrest. Was there a plea bargain or a trial? Was the defendant found innocent or guilty? Too often the media cover an international crisis as they would a dramatic incident like an arrest, but then the story is dropped, and the public never learns whether the victim survived or whether the suspect arrested was really the person responsible. The media also too infrequently revisit stories six months or even six years later.⁷⁶¹

That the media rarely follows up on its stories was confirmed by former NBC News president Bill Small: “It is rarely done but whenever it is, one finds insights in the follow-up, and, often, the discovery that the original story was either wrong or lacked vital ingredients that the follow-up discovers.”⁷⁶² It is worth noting that in the small number of cases when there has been follow-up on sensationalist stories on Sudan – on “slave redemption” and weapons of mass destruction stories, for example – much of the original story, as outlined above, was wrong or deeply questionable.

Andrew Natsios, before becoming USAID director, had pointed to the short-comings of American reporting of emergencies: “American media coverage of complex emergencies will likely continue to be limited, random and unreliable...Media coverage of most emergencies has been so inaccurate or so superficial that it has in some cases encouraged counterproductive responses.”⁷⁶³ Natsios also noted that “[t]he American electronic media influences public and therefore congressional opinion.”⁷⁶⁴

Coverage of Darfur has led to considerable in-house debate amongst journalists, including several exchanges in the *Press Gazette*, British journalism’s in-house magazine, with articles questioning the close relationship between the media and non-governmental organisations in Darfur. One keynote piece asked whether some “kind of deliberate misinformation about the Sudan was

being engineered by some...NGOs that had become players in the civil war in the south or had been involved in media manipulation through friendly journalists?"⁷⁶⁵ One journalist expressed his concern "that a number of aid and humanitarian organisations continue to hid their own political agenda and a larger number of journalists and media organisations resort to lazy racial stereotyping...Many humanitarian crises caused by civil wars are in inaccessible places and appear too complicated...but it is exactly the duty and function of journalism to highlight the crisis and explain its background."⁷⁶⁶

Mediocre and sensationalist media coverage of the Darfur crisis has, and will have, a number of deplorable consequences. Firstly, given that the some of the media – journalists such as Kristof – have, for whatever reason, labelled events in Darfur as genocide when there have already been several credible denials that that is the case, there is a clear danger of interest in the issue waning as a result. This is a point made by Professor Moeller: "There is another problem stemming from the labelling of crises by images and metaphors. Once an audience is familiar with a label, it becomes easy to dismiss the event itself by rejecting the label. And that rejection can become a form of compassion fatigue."⁷⁶⁷ Secondly, any role the US media may have had in forcing the US Administration into a declaration of genocide in Darfur – in circumstances in which that description was at best deeply questionable and at worst undeserved – will, in the light of clearer examinations of the issue, have the effect of presenting the United States as once again crying wolf. In the wake of the "weapons of mass destruction" fiasco over Iraq, this "weapons of mass distraction" controversy will ill serve the reputation of the United States. And on a related issue, the mis-labelling of events in Darfur as genocide will – as was the case with American policy after Somalia – make the United States reluctant to recognise genuine instances of genocide in the future. Thirdly, shallow media coverage of Darfur claiming genocide and calling for foreign military intervention would not only have resulted in an Iraqi-style quagmire but would also have had a disastrous knock-on effect on the delicate north-south peace deal in Sudan.⁷⁶⁸ The irresponsibility of shallow, and in some cases self-serving, media coverage of Darfur could not be clearer.

Moeller's warnings about the importance of responsible reporting, and their relevance to Darfur, are equally clear: "Reporting the news is both a political and a moral act. An element of shame is involved in not reporting responsibly

and reporting equitably. If the media don't bear witness truthfully and thoughtfully, the good/bad stereotypes endure and the lack of concern persists."⁷⁶⁹

Thomas Jefferson, the founding father of the United States, an American President and a truly great American statesman, noted that "advertisements...contain the only truths to be relied on in a newspaper". He also made the following famous observation of the media: "Perhaps an editor might divide his paper into four chapters, heading the first, truths. Second, Probabilities. Third, Possibilities, Fourth, Lies." Jefferson made these statements over 200 years ago – sometime before the rise of CNN and the New York Times. It is a simple matter of fact that Western media coverage of Darfur has been made up of lies, possibilities, probabilities and in some cases the truth. It is a sad reality that despite these grave inadequacies distorted western media coverage of Darfur has unduly coloured western perceptions of events in western Sudan.

Chapter Seven

DARFUR, HUMAN RIGHTS AND HYPOCRISY

[T]he simplistic characterization – used, for example, by Human Rights Watch – of ‘Arabs’ killing ‘Africans’ doesn’t fit.

Human Rights Activist Alex de Waal ⁷⁷⁰

All wars, and particularly civil wars, lead to human rights violations. Civilians are inevitably caught up in war and are invariably its primary victims. The conflict in Darfur has been no exception. The Government of Sudan has admitted that there have been serious abuses of human rights in the course of the Darfur conflict.⁷⁷¹ The government is also cooperating with a number of UN protection-oriented agencies, with British funding, in human rights training programmes for Sudanese armed forces and police. The government has also opened Darfur to human rights investigators. Numerous human rights delegations and specialists have visited the region. These include the a United Nations High Commission for Human Rights mission from 24-30 April 2004; the United Nations special rapporteur on extrajudicial, summary or arbitrary executions, Ms Asma Jehangir, who visited for several days in June 2004; the African Human Rights Commission visited Darfur in July 2004; the United Nations High Commissioner for Human Rights, Ms Louise Arbour, and the Secretary-General’s special adviser on the prevention of genocide, Juan Méndez, 20-24 September 2004, and again in 2005; the UN special rapporteur on violence against women, Professor Yakin Ertürk, visited Darfur from 25 September to 2 October 2004; Amnesty International visited Darfur in September 2004; the five-member United Nations commission of enquiry into allegations of genocide in November 2004; and so on. All have noted that there were no restrictions placed on their visits.

And, as is so often the case in war, the conflict has been caught up in the

propaganda and misinformation that comes with it and that has certainly characterised previous coverage of Sudan. The Sudanese government, for example, has claimed that: “Those with their own agendas are trying to give a very sad view of what is happening. The propaganda in the west is trying to exaggerate what is taking place in Darfur.”⁷⁷² It is, of course, essential that human rights are protected, and that those who violate human rights are reported on and that action against human rights violators is taken. It is also commendable that there are dedicated organisations that focus exclusively on human rights issues. Sadly, all too often, many of the western human rights organisations follow political agendas set by a western élite that through prejudice or pressure group politics badly serve the developing world. It must also be noted that the United Nations High Commissioner for Human Rights, Ms Arbour, undermined her credibility and that of the United Nations, when in her October 2004 report on Darfur she stated that she had “received no credible reports of rebel attacks on civilians as such”.⁷⁷³

De Waal is right. Much of the human rights reporting on the Darfur crisis, and especially that by Human Rights Watch, has been simplistic. It has also been inaccurate, unbalanced and in some cases biased. This is something which has not helped with analysing and by thereby seeking to remedy, what is a complex situation. Human rights commentators, for example, have not been able to differentiate between the activities of government paramilitary forces, those of armed nomadic tribes or those of the heavily-armed criminal gangs that roam Darfur. As a result there have made unrealistic – and indeed impossible – demands on the Sudanese government. Their continual criticism of the government for not doing things that are in many instances beyond their control, which adversely colour western international opinion about Khartoum, merely serves to discredit the western human rights community in the eyes of the governments and people of much of the developing world. The human rights industry certainly appears to have opted for partisan or lazy analysis of events in Darfur, seemingly unable to resist projecting the image of government-supported “Arab” – “Janjaweed” – militias attacking “African”, Fur or Zaghawa, villagers (and in doing so often merely echoing questionable rebel claims).

The United Nations International Commission of Inquiry on Darfur, tasked “to investigate reports of violations of international humanitarian law and

human rights by all parties” and “to determine also whether or not acts of genocide have occurred”, provided a classic example of the unacceptable shortcuts taken by the human rights industry with regard to Sudan. The most obvious flaw was with regard to the standard of evidence the Commission said it required:

In view of the limitations inherent in its powers, the Commission decided that it could not comply with the standards normally adopted by criminal courts (proof of facts beyond a reasonable doubt), or with that used by international prosecutors and judges for the purpose of confirming indictments (that there must be a prima facie case). It concluded that the most appropriate standard was that requiring a reliable body of material consistent with other verified circumstances, which tends to show that a person may reasonably be suspected of being involved in the commission of a crime.⁷⁷⁴

That is to say it chose to make findings based on material from which it might said that a person – or entity – may reasonably be suspected of having been involved in the commission of a crime. That this is an unsatisfactory standard is clear, especially given the serious nature of the alleged crimes. It was a standard, however, that the Commission did not extend to others. The Commission demanded that the Government and affected citizens of Darfur produce “concrete information or evidence” to support their claims.⁷⁷⁵

A large number of claims and allegations have been made regarding events in Darfur despite the scarcity of reliable information. United Nations media sources, for example, have noted “a lack of accurate information on the conflict”⁷⁷⁶ and Reuters has also stated that “it is hard to independently verify claims by government or rebels in Darfur.”⁷⁷⁷ Human rights reports have consistently reported – and attributed – human rights abuses within Darfur in circumstances in which independent confirmation of such assertions is impossible. The *New York Times*, while echoing many of these allegations of human rights abuses, was candid enough to admit that “it is impossible to travel in Darfur to verify these claims”.⁷⁷⁸ Claims of Khartoum’s control over the “Janjaweed” persist despite increasing evidence that they are out of control.⁷⁷⁹ The absence of verifiable information regarding events in Darfur

was a point raised by Louise Arbour, the UN High Commissioner for Human Rights. Reporting to the UN on her return from Darfur, Ms Arbour noted: “There is a great need on the part of the international community to improve its capacity to collect, coordinate and analyse information and reports of human rights violations. This is critical to ensure that we have available empirically-founded concrete data if we are to counter the rumours and manipulation of information that is rife in Darfur. Such a capacity will be invaluable to the international community, allowing it to assess trends and further tailor its response to the crisis. It will be invaluable, too, for the Government of Sudan which clearly feels aggrieved by what it perceives to be an exaggeration by the international community as to the extent of the crisis.”⁷⁸⁰

Contradictions in claims by human rights organisations about events in Darfur have also led to question marks about some of the serious allegations that have been made. While Human Rights Watch, for example, eagerly chose to label the conflict as “ethnic cleansing”⁷⁸¹ and have skirted close to using the “genocide” label, Amnesty International researchers have said that observers should be “cautious” about describing clashes as ethnic cleansing.⁷⁸² Such labels have also been challenged by the United Nations and senior aid workers on the ground within Darfur.⁷⁸³ Nonetheless, the claims of “ethnic cleansing” have echoed around the world.

Human Rights Watch: Questionable Sources, Questionable Reports

There is little doubt that groups such as Human Rights Watch and Amnesty International have once again relied upon questionable sources with regard to Darfur. It has also been clear that in some cases their analysts are partisan and their previous methodology with regard to Sudan has been flawed. Human Rights Watch’s counsel and Sudan researcher Jemera Rone has, for example, previously eulogised a Sudanese rebel commander as “thoughtful...curious and intellectual” and with a “respect for the rights of all”. This was in the face of the rebel commander’s direct and indirect responsibility for massive human rights violations including the murder, rape or torture of hundreds if not thousands of civilians, many of whom were women and children. The rebel eulogised by Ms Rone was also directly responsible for the abduction of thousands of under-age children for use as child soldiers and their

transportation to Ethiopia. Nearly 3,000 of these children subsequently died from malnutrition or disease: many more died as child soldiers. Ms Rone's eulogy was an astonishing statement for someone supposedly concerned with human rights to have made and provides a clear insight into the sort of anti-government bias that has coloured key "human rights" reports on Sudan.⁷⁸⁴ Many of Human Rights Watch's claims about Darfur, and much of its analysis, must be seen in this light.

Perhaps unsurprisingly, therefore, Human Rights Watch's reports have been marked by their lack of focus on rebel abuses in Darfur. In its April 2004 report, *Darfur in Flames: Atrocities in Western Sudan*, for example, Human Rights Watch devotes ten lines within the 49-page publication to rebel violations of human rights claiming to have had "limited access to information about abuses by JEM and SLA". All it reports, for example, is that in November 2003, JEM "apparently" killed 20 civilians in West Darfur and that in late 2003 the SLA "apparently" killed a prisoner in a police station. HRW also states that both rebel movements are using child soldiers.⁷⁸⁵ What little did appear in this report was stated to have come from "interviews" in Chad. HRW researchers appear not to have been in touch, even by telephone, with United Nations officials in Darfur. The UN information network, part of the Office for the Coordination of Humanitarian Affairs – and active in Sudan, publicly documented in July 2003, for example, that "SLA rebels regularly attacked and looted villages, taking food and sometimes killing people... The attacks present a real threat to people's food security and livelihoods, by preventing them from planting and accessing markets to buy food."⁷⁸⁶ Neither do they appear to have even read BBC news items reporting that the rebels had murdered nine World Food Programme truck drivers, and wounded 14 others, in an attack on a relief convoy in October 2003.⁷⁸⁷ In the wake of this attack, the United States government asked the Sudanese government for help with security and access.⁷⁸⁸ The following are just a few of the many publicly-reported instances of rebel human rights abuses – just on aid workers alone – which never made in into Human Rights Watch's April 2004 report. In November 2003 the Government accused rebels in Darfur of killing two of its relief workers and abducting three others in an attack on an aid convoy.⁷⁸⁹ One month later, rebel gunmen killed two other relief workers and abducted three others.⁷⁹⁰ Rebels also kidnapped other relief workers with JEM gunmen

admitted abducting five aid workers working for the Swiss humanitarian group Medair.⁷⁹¹ On 11 February 2004, the Equality and Justice Movement declared its intention to close down every road within Darfur. Rebel attacks on relief convoys continued. A senior UN official in Sudan stated in February 2004 that rebels have made it too dangerous to take aid into parts of Darfur. Aid convoys were still being attacked by armed groups. The spokesman also cited the danger of landmines.⁷⁹² The Sudanese government repeatedly held the rebels responsible for blocking deliveries of humanitarian aid in Darfur.⁷⁹³

Human Rights Watch's August 2004 human rights "report", *Empty Promises? Continuing Abuses in Darfur* was even more unbalanced. Its 37 pages contained one sentence alleging a rebel human rights abuse – the "temporary" abduction of aid workers – who were then returned "unharmd". This was sourced to the United Nations. The organisation's excuse was that it had not been able to get visas for government-controlled areas of Sudan, and therefore was not able to report on rebel abuses. The disingenuousness of this line is breathtaking. Human Rights Watch has constantly relied upon second-hand or previously published news items for the bulk of its "reporting" on human rights in Sudan. Indeed the only rebel human rights abuse they cited in *Empty Promises? Continuing Abuses in Darfur* was sourced to the United Nations. As can be seen from the very small sample outlined above, there are numerous well-documented human rights abuses – including many sourced by the United Nations – which Human Rights Watch could easily have included in its reports. That they chose not to do so is telling evidence of the organisation's clear bias and hence unreliability with regard to human rights reporting and analysis.

It was also perhaps unsurprising that Human Rights Watch chose to use British journalist Julie Flint as a researcher. Ms Flint, although presenting herself as an "independent journalist" when speaking before the American Senate's foreign relations committee, is a long-time anti-Sudan activist.⁷⁹⁴ Ms Flint's testimony was predictably light with regard to rebel abuses. She did, however, admit that rebel attacks on government targets "took heavy civilian casualties". She mentioned that rebels had abducted humanitarian aid workers but did not cite any of the numerous instances of their murder. She stuck to the official position that, despite having been provided with a "list of ceasefire violations and attacks on villages" by the government and other groups in

Darfur, they were unable to investigate them because they had not visited government-held areas. This has not, however, prevented HRW from reporting as fact other alleged government abuses within government-held areas. Ms Flint drew heavily upon her guided tour, by rebels, through a rebel-controlled area of Darfur. Ms Flint and Human Rights Watch did admit that “It is...difficult to ascertain what exactly is happening in a place the size of Darfur.” It is all the more difficult to ascertain what is happening if one ignores numerous well-documented accounts by journalists, United Nations workers and other non-governmental sources.

Interestingly, it is also worth noting that, although Human Rights Watch’s main Sudan researcher Jemera Rone went on record to criticise the credibility of Eric Reeves, Flint has no such reservations. She accepts Reeves’ claim of 400,000 deaths in Darfur, describing them as “a serious analysis of mortality” in Darfur.⁷⁹⁵ This despite the fact that Human Rights Watch works with the World Health Organisation figure of 70,000.⁷⁹⁶ Unusually for a supposed human rights researcher, Flint has also acted as an apologist for rebel war crimes, stating that rebel human rights abuses, including the murder of aid workers, were the responsibility of “rogue rebel commanders”.⁷⁹⁷ In short, Ms Flint provides a telling example of the sort of partisan anti-government activist who so often double-up as “independent”, supposedly objective, human rights workers.

Not only has Human Rights Watch been economical with certain facts, it has totally misrepresented others. Its Sudan report for 2003, for example, stated that Sudan “had backed out of peace talks sponsored by Chad”.⁷⁹⁸ It is somewhat difficult to reconcile Human Rights Watch’s claim with that of the official Chadian Government peace mediator who went on record in December 2003 to state: “There has been a breakdown in negotiations because of unacceptable rebel demands. The talks have been suspended: it’s a failure.”⁷⁹⁹ This is only one of many mistakes and omissions on the part of Human Rights Watch – but is certainly one of its most significant in the slant it put on a crucial aspect of the Darfur crisis. The same 2003 section claimed that Khartoum was “trying to use southern militias, previously used against the SPLA, to fight in Darfur.” This is another particularly off-the-wall claim, unsupported by any evidence whatsoever.

Amnesty International and Darfur

Amnesty International's reporting on Darfur has been similarly flawed. In its February 2004 report, *Darfur: "Too Many People Killed for No Reason"*, Amnesty International stated that it "had received very little information regarding killing of civilians by the armed opposition the SLA and the JEM". Amnesty qualified its position by stating that "in some cases, the armed political groups appear to have put the lives of civilians at risk".⁸⁰⁰ This despite having mentioned in the same report that the United Nations had reported regular rebel attacks upon, and looting of, villages and the killing of civilians. Amnesty International would appear to share the Human Rights Watch methodology of turning a blind eye to independent, publicly-documented accounts of rebel human rights abuses.

All of Amnesty International's publications on Darfur have been unbalanced and misleading. In Amnesty's "Sudan Crisis – Background", it accepts, at face value, the usual rationale for the initiation of violence in Darfur, that the rebels began the war as a result of "marginalisation and underdevelopment of the region".⁸⁰¹ In its April 2004 report, *Deliberate and Indiscriminate Attacks against Civilians in Darfur*, Amnesty does not once mention rebel human rights abuses.⁸⁰² In its lengthy 2004 report, *Arming the Perpetrators of Grave Abuses in Darfur*, Amnesty devotes three sentences to the rebels. While calling for an end to any supply of weapons, and vehicles, to the government, it is silent with regard to supply of weapons – by Eritrea and others for example – to the rebels.⁸⁰³ And, in its December 2004 *Open Letter to All Members of the Security Council*, Amnesty does not mention the rebels once.⁸⁰⁴ Any semblance to objectivity and quality research that Amnesty International may once have tried to claim with regard to its work on Sudan was in any instance starkly contradicted by allowing discredited out-and-out propagandists and apologists for rebel human rights abuses such as Eric Reeves to write on Sudan in their publications.⁸⁰⁵

It is also worth noting that previous Amnesty International reports on Sudan in general have been flawed by deeply questionable methodology. Key reports have been largely reliant on newspaper reporting – often utilising second- and third-hand newspaper accounts by partisan journalists. In these reports Amnesty International's lack of professionalism was also been manifested by

its turning a blind eye to independent, reputable, first-hand accounts of rebel use of child soldiers and the daily bombardment of towns. It chose instead to publish claims made by rebel commanders.⁸⁰⁶

As so often has been the case in their reporting of Sudan, the reliability of the assertions of groups like Human Rights Watch and Amnesty International should not be taken at face value.

The Hypocrisy of the Human Rights Industry on Darfur

In addition to often overt bias, and factual inaccuracies, on the part of human rights groups, there has also been considerable hypocrisy with regard to Darfur. While claiming that the Arab “Janjaweed” raiders are sponsored by the government, Human Rights Watch and Amnesty International ignore the fact that the government has regularly taken very firm action against “Arab” tribesmen who have attacked “African” communities. In April 2003, for example, Sudanese courts sentenced 24 Arab armed bandits to death for their involvement in the murder of 35 African villagers in attacks on pastoralist villages. Judge Mukhtar Ibrahim Adam described the attacks as “barbaric and savage conduct” reminiscent of “the dark ages”.⁸⁰⁷ In the same month, 44 tribesmen were killed, and 22 injured, in a tribal clash between Arab and Massaleit tribes in West Darfur. Police units contained the violence.⁸⁰⁸ In a further example of the government’s firm stance, in October 2003, 14 other Arab tribesmen were also sentenced to death for the murder of non-Arab villagers during attacks and arson within villages in south Darfur state.⁸⁰⁹ There is also abundant evidence of the sorts of lawlessness that has plagued Darfur, including considerable “Arab” on “Arab” violence. In one incident alone in May 2002 50 Arab tribesmen were killed in such clashes between the Arab tribes.⁸¹⁰ (Would this qualify as “Janjaweed” on “Janjaweed” violence?) A special criminal court sentenced 86 Arab tribesmen to death for involvement in the murder of other Arab tribesmen.

The stance of the human rights industry on criminal violence in Darfur has been contradictory. Amnesty International, for example, has previously criticised government inaction in responding to the violence and banditry in the region. In February 2003 Amnesty International stated that “government responses to armed clashes have been ineffective”.⁸¹¹ Amnesty has then

condemned the government for taking measures to restore order, such as arresting tribesmen suspected of involvement in violence.⁸¹² The scale of the violence had led to Khartoum introducing special measures. Yet these have also been criticised by Amnesty International. They, for example, have condemned the special criminal courts created by presidential decree to deal with offences such as murder, armed robbery, arson and the smuggling of weapons., and the firm sentences these courts have subsequently handed down.⁸¹³ And at the same time these measures are being taken against the very Arab tribesmen that it is alleged the government is supporting militarily.

The fact is that scores of Sudanese soldiers and policemen have been killed in tribal clashes and while trying to apprehend those suspected, including “Janjaweed”, of criminal acts. (Even Amnesty International admits to as much in its more objective moments.⁸¹⁴) Many more Sudanese policemen have also been murdered by rebels, often while carrying out their job of protecting internally displaced peoples.

An Incomplete Picture

Another way in which the human rights industry has distorted perceptions of events in Darfur is through often incomplete or inaccurate analysis of events in Darfur and Sudan. The overriding goal for anyone concerned about human rights should be to end the conflict that is leading to human rights abuses. Merely focusing upon the symptoms and not the cause is an inadequate response. In this respect, however, the human rights groups have been very disappointing. Amnesty International, for example, takes rebel claims about their motivation at face value, asserting without reservation that the Darfur rebels “took up arms in February 2003 to protest at what they perceive as the lack of government protection of the settled population against attacks by nomads and the underdevelopment and marginalisation of Darfur”. Human Rights Watch unquestioningly echoes the stated rebel position when it claims “Both rebel groups were formally created in early 2003 in response to the perceived political marginalization and chronic underdevelopment of Darfur”.⁸¹⁵ Amnesty International would appear to be unaware, and certainly have not noted in their publications, the view of Sudan’s premier human rights activist, Ghazi Suleiman, about the Islamist dimension to the conflict. In so

doing, the simplistic analysis of groups such as Amnesty International and Human Rights Watch merely serves to advance rebel propaganda and misinform those observers who may rely upon those organisations for accurate information on this issue.

Rebel Human Rights Abuses

One of the reasons for the international community's distorted picture of the Darfur crisis – with the resultant flawed analysis and demands that have ensued – is the under-reporting of the activities of the rebel movements. Having by and large ignored large-scale rebel human rights abuses in the course of 2003, human rights groups are now belatedly starting to document their activities. Even the SLA has had to admit to human rights abuses, accepting in early December 2004, for example, that it had been involved in attacks on civilians, kidnappings and obstructing aid workers.⁸¹⁶

Almost eighteen months after they first began, Human Rights Watch is now conceding that rebel attacks on towns in early 2003 resulted in considerable loss of civilian life. Even Julie Flint had to admit, in June 2004, that “heavy civilian casualties” were caused during these attacks. She admitted that the April 2003 attack on al-Fasher “resulted in the deaths of numerous civilians”.⁸¹⁷ Prunier states that the rebels murdered 200 army prisoners after they had surrendered.⁸¹⁸ In its November 2004 report, in a section entitled “Attacks on Civilians”, Human Rights admitted that “the rebel movements have been responsible for direct attacks on civilian objects in violation of international humanitarian law, and for causing deaths and injuries to civilians.”

Rebel human rights abuses have followed a pattern. They have included systematic attacks on nomadic communities and the destruction of numerous Arab villages. They have included the murder, wounding, and abduction of civilians and the rape of women. These attacks on civilians have continued despite the rebels having signed several internationally-mediated ceasefire agreements, including the November 2004 Abuja protocol. In early December 2004, for example, the governor of North Darfur, Osman Yusuf Kibir, accused rebels of attacking villages and raping women.⁸¹⁹ In January 2005, the government reported that rebels had destroyed eight villages and killed many civilians in attacks in South Darfur.⁸²⁰ Rebels have also carried out hundreds

of armed robberies throughout Darfur, and in so doing killing many civilians. They have also been involved in the theft of thousands of head of livestock – the very lifeblood of many of Darfur’s tribal communities. The Sudan Liberation Army have also murdered several aid workers, foreign and Sudanese, and abducted scores of others. They have also attacked and looted dozens of relief convoys carrying food aid to Darfur’s displaced communities. The rebels have also recruited and armed child soldiers. Newspapers and human rights organisations have provided some glimpses into the scale of rebel abuses.

A Snapshot of Rebel Human Rights Abuses: Malam, South Darfur.

In its November 2004 report, Human Rights Watch provides the outside world with a snapshot of rebel human rights abuses. It reported, for example, on rebel attacks in and around one specific area – Malam, located on the eastern side of the Jebel Marra, approximately one hundred kilometres north of Nyala, in South Darfur. Human Rights Watch has cited numerous examples of the murder of civilians, the rape of women and abduction of young children by Sudan Liberation Army rebels in and around this town, a location inhabited both by Fur and people from the Beni Mansour tribe. SLA rebels have been attacking civilians in this area – one of many in Darfur – since they began the war. Human Rights Watch, for example, noted that it had received a list of sixty Beni Mansour women and girls who were said to have been raped or assaulted by rebels in attacks between 10 February and 7 July 2004 – but stated that it was not able to “verify” these claims.⁸²¹ In one attack in the area, on 21 April 2004, the rebels killed ten civilians. Six more civilians were murdered in an attack in nearby Um Dashur in early June 2004. Human Rights Watch also reported that in mid-June 2004 rebel gunmen were said to have raped several Beni Mansour women near Malam. Rebels attacked Malam again in October 2004, killing three civilians, including a 12-year-old girl, and injuring several more. Human Rights Watch stated that their apparent intention had been to loot. It also reported that it had received a list of thirty-nine people, including two children, said to have been abducted in the Malam area between 2 August 2003 and 10 July 2004, adding that their whereabouts remained unknown. In January 2005, the United Nations reported that between 24 and 36 civilians

had died and 26 others were wounded in fresh rebel attacks on villages in and around Malam.⁸²² Rebel human rights abuses in and around Malam provide the international community with documented – albeit imperfectly – examples of rebel abuses in one small specific area of Darfur. From all accounts it is a pattern of abuses that has been repeated throughout Darfur – the vast majority of which have gone unrecorded by human rights organisations or other outside observers.

It is a matter of record that systematic rebel attacks on civilians in the vicinity of Malam continued into 2005.

The Economist has provided us with an equally brief snapshot of rebel abuses, in West Darfur. It reported that rebels burned down 12 villages in the area of Ishbara, located some 120 miles north of Al-Geneina, in West Darfur. They had “killed anyone who crossed their path.” Those civilians who survived now live in the Wadi Bardi refugee camp. Another five villages were said to have been abandoned by petrified villagers. These civilians were from the African Gimir tribe, traditional rivals of the Zaghawa tribe. *The Economist* reported that SLA rebel leaders had stated that because the Gimir were rivals to the Zaghawa they must therefore be pro-government, and that was why they were attacked.⁸²³ In reality, it comes down to inter-tribal – and in this case intra-African – rivalry. *The Daily Telegraph*, reporting on the same attacks, pointed out that rebel “brutality at least equals that of” the Janjaweed, and that the rebels “have received none of the international condemnation heaped upon the Janjaweed”.⁸²⁴ *The Independent* has also reported on claims that the rebels were “driving Arabs from their villages.”⁸²⁵ It provided a glimpse of the ten thousand Arab villagers packed into the Mossei refugee camp, near Nyala in South Darfur, reporting on their claims to have “been attacked, driven from their homes, and abandoned to face pending epidemics of cholera, malaria and hepatitis. They say their persecutors are African tribes in league with the Sudan Liberation Army, with their own campaigns of driving out another community.”⁸²⁶

Even in their minimalist references to rebel abuses Human Rights Watch and *The Economist* provides a disturbing picture.

Rebel Armed Robberies and Attacks on Road Transport

Rebel involvement in armed robberies of civilians and civilian premises is clear. These have included any number of civilian premises, including banks and other businesses. An example of a typical attack was that on Yassin, in South Darfur, in January 2004. In this attack rebels looted offices, commercial premises and the *zakat* (charity) office. In early December 2004, the Sudanese government released documents indicating that the rebels had been involved in 571 armed robberies since early 2003 in the course of which they had killed 169 people.⁸²⁷ Rebels were said to have attacked over 200 trucks.⁸²⁸ Human Rights Watch also reported rebel attacks on trucks and the theft of “commercial goods from trucks and vehicles in Darfur”. It also noted that: “These attacks on civilian property are a violation of international humanitarian law.”⁸²⁹ In November 2004, African Union ceasefire monitors confirmed that the SLA had attacked convoys of Nigerian pilgrims on four separate occasions in Darfur. In one attack on three civilian trucks, the rebels killed seven people. Eight others were injured.⁸³⁰ These systematic attacks prompted an unprecedented intervention by Amnesty International in early November 2004 which directly criticised rebel attacks on civilians and humanitarian convoys. It noted that in one case “Eighteen passengers from nomad groups were taken off a bus between Niyertiti and Thur in South Darfur state by soldiers of the Sudan Liberation Army...Amnesty International has grave concerns about their fate. Thirteen of them are said to have been killed.”⁸³¹

These attacks continued and intensified into 2005.

Rebel Theft of Livestock

The rebels have been engaged in systematic theft of livestock throughout Darfur. Human Rights Watch has underlined the seriousness of these thefts: “Given the importance of livestock as the primary family asset, looting of cattle and camels can render the owners destitute. This is particularly true for nomads who depend almost entirely on livestock for their income.”⁸³² Human Rights Watch has stated that it has received reports of SLA “attacks on convoys of camels that were being taken across traditional trade routes in North Darfur”. These attacks had involved significant numbers of livestock. Human

Rights Watch has provided the outside world with a few examples of these attacks. One nomadic leader in South Darfur had reported the theft from the Ma'aliyah tribe of more than 2,500 camels. In another documented attack, in May 2004, SLA gunmen in Land cruisers attacked a camel drive north of Atrum, in North Darfur. They stole 1,100 camels and abducted 38 civilians – whose whereabouts remain unknown. Rebels were said to have stolen more than 4,000 camels in the course of 2003 in attacks on the nomadic Aulad Zeid tribe in North Darfur. These attacks had involved the use of automatic rifles, rocket-propelled grenades and machine-guns. The rebels had arrived in Land cruisers and trucks. Human Rights Watch mentioned that “many of the herders were killed defending their animals”.⁸³³ Human Rights Watch has called on rebel groups to “Cease all attacks on civilians and civilian property including livestock.” The three incidents Human Rights Watch reported are probably the tip of the iceberg with regard to the scale of livestock theft. Given the visceral seriousness with which blood vendettas and livestock theft are taken, there is no doubt that attacks such as these have led to considerable inter-tribal tit-tot-tat raids and violence to recover livestock and avenge murdered tribesmen. Nomadic tribes would have raided the communities and villages from which the SLA men would have been drawn, as well as the villages in which they were harbouring. While, in passing, documenting what may well have been the cause of a number of reprisal attacks by nomadic tribes on tribes seen as complicit in livestock theft, this has not in any way been reflected in Human Rights Watch accounts of attacks on “African” villages. Human Rights Watch attributes all such attacks as government inspired. This is one more example of a critical failure in analysis by human rights organisations.

It is a matter of record that large-scale livestock theft by the rebel movements has continued in 2005.

Rebel Attacks on Humanitarian Aid Workers and Relief Convoys

Rebel attacks on humanitarian aid convoys have been particularly serious. These attacks have been throughout the course of the humanitarian crisis in Darfur, and have gravely endangered the delicately-balanced emergency feeding programme keeping hundreds of thousands of civilians – many of them from the communities the rebels were claiming to protect – alive in

Darfur. Human Rights Watch has called on rebel groups to “Cease all attacks on civilians and civilian property including...humanitarian aid convoys.” The pattern of rebel human rights abuses in attacks on aid convoys and workers is a clear one. The following are a random selection. They murdered nine truck drivers, and wounded 14 others, in an attack on a relief convoy in October 2003.⁸³⁴ The following months, rebel gunmen killed two relief workers and abducted three others.⁸³⁵ Later in November JEM gunmen admitted abducting five aid workers.⁸³⁶ In early June 2004, Associated Press reported the abduction by rebels of 16 aid workers. On 8 June 2004, Agence France Presse reported that rebels had seized nine trucks loaded with relief items, medicines and tents on the road between Nyala and al-Fasher. The rebels abducted four of the drivers.⁸³⁷ Later that month, rebels attacked aid vehicles and stole 57 tons of UN food aid.⁸³⁸ In the first week of July, the SLA attacked 26 aid workers, stealing six vehicles and a large amount of cash. There were a number of systematic rebel attacks on aid workers in August 2004. The African Union confirmed that on 22 August, SLA forces had abducted humanitarian affairs workers in the Abgaragil area, and that on 23 August rebels had abducted medical aid workers in Kutum.⁸³⁹ At the end of August 2004, Darfur rebels abducted six aid workers in North Darfur. WFP condemned the targeting of humanitarian workers.⁸⁴⁰ On 31 August 2004, rebel gunmen detained 22 Sudanese health workers near Nyala in south Darfur. A SLA landmine killed two Save the Children Fund workers, one British and one Sudanese, in October 2004.⁸⁴¹ The United Nations special envoy to Sudan Jan Pronk unambiguously confirmed rebel involvement in these deaths: “It was the rebels who are responsible for attacking relief workers and convoys, they are responsible for...landmines which killed two relief workers.”⁸⁴²

United Nations reported that in late October “forces from the rebel Sudan Liberation Army (SLA) hijacked seven commercial trucks on a road...east of ...El Fasher.”⁸⁴³ In mid-November 2004, the United Nations reported several attacks on buses and aid convoys around Darfur. Travellers had been abducted and killed and vehicles looted by the attackers.⁸⁴⁴ By the end of November, *The New York Times* was reporting that the rebels had been “sharply ratcheting up attacks” on civilian traffic which in turn was preventing relief work.⁸⁴⁵ In November 2004 rebels attacked a joint WHO/Ministry of Health medical team. One doctor was killed and four other health workers were injured. The team

was also robbed.⁸⁴⁶ In November GOAL and the Spanish branch of Médecins Sans Frontières withdrew from the Jebel Marra area in central Darfur after “repeated” rebel attacks on aid personnel, vehicles and relief supplies.⁸⁴⁷ Amnesty International noted the pattern of rebel activity: “over the past two months, a number of World Food Program commercial trucks have been attacked in South Darfur.”⁸⁴⁸ On 12 December 2004, rebels murdered two more Save the Children aid workers, members of a mobile medical clinic travelling in clearly-marked vehicles.⁸⁴⁹ Rebel responsibility for their deaths was confirmed by both the African Union and United Nations.⁸⁵⁰ In addition to the murdered aid workers, one other worker was injured and three are still missing. Rebel involvement in the murders was established by the UN.⁸⁵¹ Rebel attacks on aid convoys continued into December. At the end of December 2004, the United Nations stated that rebel forces had stolen 13 commercial all-terrain trucks leased to WFP and loaded with food: “These thefts are in addition to multiple losses of commercial and aid agency vehicles to armed groups in recent months.”⁸⁵²

As touched upon in earlier chapters, rebel attacks on aid workers continued and intensified into 2005.

Rebel Use of Child Soldiers

Human Rights Watch has clearly documented that both the Sudan Liberation Army and the Justice and Equality Movement use child soldiers. It has correctly pointed out that “it is unlawful...to deploy children as combatants, whether or not they were forcibly recruited or joined on their own accord.”⁸⁵³ The Rome Statute of the International Criminal Court classifies the use of child soldiers as a war crime. *The Independent* newspaper has reported the presence of hundreds of child soldiers, some as young as ten, with the rebels.⁸⁵⁴ Human Rights researchers in North Darfur in July and August 2004 observed and photographed SLA child soldiers, some as young as twelve.⁸⁵⁵ Unsurprisingly perhaps, Human Rights Watch sought to contextualise this blatant war crime, virtually presenting the SLA as juvenile social workers. In a different report, however, a child eyewitness, Mubarak, abducted from Kutum in southern Darfur, presented a different picture. A former SLA child soldier, he stated that following an attack on his school, rebels had abducted “several dozen

frightened boys...and marched them off into the countryside. The heavily armed men asked the boys if any of them wanted to go. Eight of them raised their hands and...the rebels told them they could run away. Mubarak said he still remembered the loud bangs when the men shot two of the escaping boys. The remaining boys became rebels. 'I had to join them,' Mubarak said. 'I was afraid I would be killed, too.'"⁸⁵⁶ The African Union has also confirmed that the Sudan Liberation Army is arming and using child soldiers.⁸⁵⁷ The SLA is obviously aware that it is illegal to use child soldiers. Journalists who reported seeing fighters who "seem to be no more than schoolboys" who, when asked their age, reply with "the stock answer": "I have just become 18, sir. I am not a child soldier."⁸⁵⁸

Reuters was also able to report on the rebel use of child soldiers. A February 2005 article mentioned the presence of children as young as twelve within rebel ranks.⁸⁵⁹

Air Power and Rebel Use of Civilian "Human Shields"

One of the issues frequently raised with regard to human rights issues has been the government's use of air power in its war against insurgents in Darfur with the focus upon any resultant civilian casualties or displacement. That governments reserve the right to use air power in war is obvious. Air power has been used in every recent conflict – not least of which during the Iraq war and subsequent occupation. That civilians are often killed, injured or displaced during even the most clinical bombing attacks against insurgents has also been amply demonstrated in Iraq. The use of air power in Darfur has been no different.

That the rebel movements have wittingly or unwittingly drawn air attacks upon the civilian population in Darfur is a matter of record. The government's position has been predictable. In November 2004, Reuters reported government claims that "rebels...have drawn army fire and aerial bombardment on to Darfur villages by using them as cover and as bases for military operations." A senior government security chief said that rebels would often have camps next to villages, which were near water sources, and on many occasions attacked the army from within the villages."⁸⁶⁰ Predictable or not, the government's claims appear to have been at least partly borne out when SLA rebels

subsequently admitted as much when they revealed that the Sudanese air force had killed 25 fighters in a raid on a village in north Darfur. The village was 25 miles south of al-Fasher.⁸⁶¹ A British television news item also reported on the rebel presence within villages, in this instance Thabit: “This village is full of rebel soldiers from the Sudan Liberation Army. Eight were wounded in the bombing of Thabit. What happened here was an act of war. But it was an act of war provoked by the rebels to make the government look bad ahead of this week’s peace talks.”⁸⁶² Amnesty International’s Benedicte Goderiaux has also pointed out rebel complicity: “Of course it’s the government’s duty to distinguish the SLA from civilians, but the SLA doesn’t help in making that distinction.”⁸⁶³ In a report to the United Nations human rights commission, UN officials noted that: “There are some claims that [the rebels] operate from or near civilian areas and rely on towns and villages composed of certain ethnicities for support and supplies. This has endangered civilians in many areas and appears to feed into certain groups being considered as hostile to the Government.”⁸⁶⁴

It has also been claimed, and subsequently confirmed, that rebels have been using displaced persons camps from which to stage attacks on relief convoys and government officials, actions which clearly endanger civilians by provoking a possible military response by government forces. In October 2004, for example, the government stated that an attack on a relief convoy 20 kilometres southwest of al-Fasher had been staged from the Tawila displaced camp.⁸⁶⁵ Security forces had also discovered an arms cache near the Zam Zam displaced camp near al-Fasher. In late November 2004, the UN World Food Programme reported that, on 21 November 2004, rebels attacked a police station on the edge of the Kalma IDP camp. This resulted in the death of several policemen. The WFP confirmed that “ominously, the attack appeared to have been launched from inside Kalma camp”.⁸⁶⁶ The Sudanese government reported further examples of rebel use of refugee camps, claiming in December 2004 that rebels were using a presence in at least one refugee camp to target and attack policemen.⁸⁶⁷ The rebels have also sought to cause unrest within IDP camps, opposing re-registration of IDPs as well as opposing their return to their villages.

Unbalanced, misleading and incomplete reporting, coupled with equally misleading or simply inaccurate analysis, by human rights groups confuses

and misinforms international perceptions of the conflict. The human rights industry has sadly been party to all these failings in its reporting on Sudan. While all too often taken at face value in a handful of Western capitals, such flawed reporting gravely undermines the credibility of organisations such as Human Rights Watch and Amnesty International in the rest of the world.

Chapter Eight

THE DARFUR ROAD-MAP

The political solution to Darfur ultimately lies in the federal process within Naivasha – that is the decentralisation of power.

US State Department official Charles Snyder ⁸⁶⁸

The positions of all sides on the issues are the same. They share a lot in the area of power sharing. They all agree on a united Sudan. They all agree on [the] need to devolve more power downwards

Sudanese government official ⁸⁶⁹

Douglas H. Johnson, perhaps the best historian of Sudan's recent conflicts, has provided a particularly apt analogy for events in Darfur. He has written that Sudan's civil war reminded him "of his own great-grandmother's tales of survival in the border states during the American Civil War, where the great motivating principles of that horrific conflict were scarcely evident in the behaviour of its local protagonists. My home-state of Missouri (to which my great-grandmother fled in the mistaken hope of finding greater security) was then the battleground of the most vicious internal guerrilla war in American history, where all the cruelties of civil conduct were magnified."⁸⁷⁰ Johnson cites the American historian Michael Fellman's characterisation of that conflict as "the war of ten thousand nasty incidents [where] justice was impossible" and in which "restraint and forbearance had not been the guiding qualities".⁸⁷¹ And in its mishmash of different forces – federal, Confederate, government, regular, state, county and irregular, diverse militia – together with *ad hoc* armed bands of raiders and criminal and semi-criminal gangs that produced the likes of the James and Younger brothers, all within a framework of national conflict, local grievances and vendettas, the Missouri border wars provide some sort of

an insight into the Darfur crisis (an insight which does not take into consideration the extra complications of considerable external involvement within the Darfur conflict). And, for all the bitterness and violence at the time, peace and reconciliation did come, and unity and political consensus were re-established.

The international community's response to the crisis in Darfur, especially media coverage, has been varied and in some instances short-sighted. A key question that has not been asked much is a simple one. Where does the international community want to be two years from now with regard to Darfur and Sudan? There are two related questions. How do we get from A to B and what are the obstacles. In the rush to judgement on Darfur – premature, misguided and misinformed in some cases – we are losing sight of these key questions.

The reality of the Darfur crisis is all too apparent. There has been a vicious civil war in Darfur between two rebel movements and the Sudanese government. It has truly been a “war of ten thousand nasty incidents”. Tens of thousands of people have died and hundreds of thousands of civilians have been displaced in the conflict. It has been a human disaster.

Any attempt to shape a road-map must start with two words of caution. To address the Darfur crisis it is essential that events in Darfur are evaluated as objectively as possible. To do so observers must cut away the propaganda, media sensationalism and pressure group politics – especially within the United States – that has already distorted perceptions of the Darfur crisis and Sudan. That Darfur has been enmeshed in propaganda is clear. This study has touched upon some examples. There have been allegations of genocide, ethnic cleansing and the use of chemical weapons in Darfur. Propaganda such as this, while serving any number of short-term political goals, complicates an already complex issue. Any solution to the Darfur crisis has to break through this propaganda wall and move on. Such propaganda merely serves to encourage rebel groups in obstructing peace talks in the unfounded hope of some form of outside military intervention. And secondly, as outlined by Richard Dowden, “Darfur may be a remote province but its politics link directly into the government in Khartoum. What happens here may lead to a fragmentation of the whole country. A settlement on terms too favourable to the rebels could spark revolts among other marginalised peoples.”⁸⁷²

The Objectives of a Road Map

What are the objectives that would be set for a Darfur road-map? Again they are clear. To stabilise Africa's largest country: stabilise Darfur for humanitarian aid access; end the fighting – or at the very least put it on hold – while negotiating a political solution to the crisis; re-establish the rule of law in Darfur and where possible identify and pursue those people guilty of crimes and war crimes; assist those communities that have been displaced to return to their homes; rebuild and develop Darfur's infrastructure. It is also essential for Sudan to complete its long-standing goal of normalising its international relations.

Ceasefire and Peace Talks

We are fortunate in that a peace framework exists. Internationally-brokered peace talks have taken place in Chad, Ethiopia and Nigeria. An African Union-mediated ceasefire agreement between the Government and rebels was signed in early April 2004.⁸⁷³ In Abuja in November 2004 the Government and rebel movements extended ceasefire and aid access agreements.⁸⁷⁴ These agreements provide for international monitoring of the ceasefire. The signing of the July 2005 Declaration of Principles has established the framework for a negotiated settlement including power and wealth sharing. The presence of military observers from the African Union is an essential part of any ceasefire arrangements and their numbers must be increased when and where necessary to enforce peace in Darfur.⁸⁷⁵ The United Nations supports this involvement and the European Union has played a key part in facilitating the AU presence.⁸⁷⁶

At face value negotiating a political solution to the Darfur crisis should not be difficult.⁸⁷⁷ The two rebel movements claim that they began the war because of the marginalisation and underdevelopment of Darfur. JEM spokesmen, for example, have stated: "The regions should elect their own government and hold it to account. The regions should have their own constitutions. We're not seeking to separate from our country."⁸⁷⁸ SLA secretary-general Minni Minawi has encapsulated his movement's demands: "The SLM/A shall struggle to achieve a decentralised form of governance based on the right of Sudan's different regions to govern themselves autonomously through a federal or

confederal system.”⁸⁷⁹ The government has publicly committed itself to a federal system of government in Darfur which would “ensure” that Darfur states would “have their own constitutions...elected governors [and] elected legislative assemblies” as well as “suitable” Darfurian “participation in the central institutions” and wealth sharing”.⁸⁸⁰ This was also echoed in 2004 by Dr Mustapha Osman Ismail, the then Sudanese foreign minister: “The people from Darfur state should have the right to have a parliament, to have a governor, to have a government to be elected by the people of Darfur.”⁸⁸¹ President Bashir has also stated that Darfur will be ruled by local, tribal law, and not by central legislation.⁸⁸² Taken at face value, these issues are adequately addressed by the Naivasha formula, which has defined devolved regional government in southern Sudan, a formula at the heart of the January 2005 Comprehensive Peace Agreement settling the long-running north-south civil war.⁸⁸³ Senior Sudanese government ministers have stated that the Naivasha arrangements could be a model for Darfur.⁸⁸⁴ The key US State Department official on Sudan, Charles Snyder, has also noted: “The political solution to Darfur ultimately lies in the federal process within Naivasha that is the decentralisation of power.”⁸⁸⁵ And, should Darfur be endowed with as yet undiscovered and un-exploited oil reserves, they should be subject to a wealth-sharing arrangement similar to the southern formula.

Those civilians who have been displaced must be returned home to their villages – villages which in many instances would need to have been rebuilt – and where necessary improved upon, by the Sudanese government and international community. Compensation for losses and inter-tribal reconciliation will be an integral part of any settlement.

It is important to note that the north-south peace agreement is itself the end result of a process of reform, liberalisation and engagement in Sudan that can be traced back to the 1999 ouster of hard-line Islamist leader Dr Hasan al-Turabi. In April and in mid-May 2000, towards the end of the obstructive Clinton Administration, Khartoum restated its readiness to enter into “an immediate and comprehensive ceasefire” and to restart negotiations for the achievement of a lasting peace. Throughout 2001, the Sudanese government repeatedly called for a peaceful resolution of the southern conflict and called upon the SPLA to do the same.⁸⁸⁶ With the Bush Administration’s support, the ensuing peace process resulted in the 2002 Machakos protocols and 2004

Naivasha agreement which were turned into the 2005 comprehensive peace settlement.

It is essential that Sudan remains committed to the course of normalisation of its relations with the international community that had preceded the Darfur crisis. In 1999, for example, the European Union entered into a political dialogue with Sudan, noting improvements within the Sudanese situation.⁸⁸⁷ There had also been a similar regional shift in attitudes towards Sudan and the Sudanese conflict.⁸⁸⁸ In 2001, for example, Sudan held the presidency of both the regional Intergovernmental Authority on Development as well as the Community of Sahel-Saharan States, a body which brings together eleven North African states.⁸⁸⁹ The then newly-elected Bush administration and Sudan entered into a new relationship, with extensive Sudanese support in counter-terrorism both before and after the 11 September 2001 terrorist attacks within the United States. It is also clear that from 1999 onwards the political situation within Sudan changed significantly. Conditions have also changed domestically. The former prime minister, Umma party leader and key opposition figure, Sadiq al-Mahdi, declared in 1999, for example, that: “There are now circumstances and developments which could favour an agreement on a comprehensive political solution.”⁸⁹⁰

What are the Obstacles?

There are, of course, a number of real or potential obstacles along any Darfur road-map. One of the obstacles has already been touched upon. International perceptions of the crisis continue to be distorted by the sort of propaganda claims that go hand-in-hand with all war and particularly civil war – claims all too often echoed by a sensationalist media. Unrealistic international demands, often fuelled by superficial press coverage of the war, can result in the hardening of positions. The international community must take an objective, well-informed position on Darfur. Demands for 30-day “fixes” ill-serve the Darfur people and weaken the credibility of those countries and international institutions that stipulate such deadlines. There are, of course, any number of political opportunists waiting to exploit any Western misjudgements on Darfur – not least of which those Islamist extremists, internationally and within Sudan, who would welcome any foreign military intervention in the region as a pretext

for another Iraq or Afghanistan-type conflict with the West. If Darfur is turned into the next Afghanistan by these forces responding to Western mistakes then once again it will be the people of Darfur who will suffer the most.⁸⁹¹

Another possible obstacle, itself accentuated by undemanding reporting, is the superficial perception that the rebels are necessarily fighting against marginalisation and underdevelopment in Darfur. Alternative or concurrent objectives have been suggested by independent observers such as Ghazi Suleiman, and others. Suleiman has pointed to the continuing role played in Sudan and particularly Darfur by the Islamist leader Dr Turabi. Turabi had long been opposed to settling the civil war in the south and any engagement with the United States. The war in Darfur may well be an attempt by Islamists to derail reform in Sudan and Sudan's move towards the West. Should the objective of the Islamist rebels in Darfur be the overthrow of the present Khartoum government rather than power-sharing or devolution for Darfur, then the rebel movements are unlikely to negotiate in good faith. Mediators have already noted repeated rebel intransigence during peace talks.

The argument that the rebels may wish to see continuing war and chaos in Darfur is at least partly confirmed by their constant attacks on humanitarian convoys and their escalating obstruction, intimidation and murder of humanitarian aid workers. They have also continued to show ambivalence with regard to committing to or honouring humanitarian aid agreements.⁸⁹² In these circumstances it will be difficult to persuade all the anti-rebel militias in Darfur to stand down. The noted absence of a coherent political agenda on the part of the Sudan Liberation Army is a growing concern as is the issue of growing political fragmentation and the question of rebel command-and-control over their forces, and the possibility of Somalia-esque warlordism.

How Do We Get to Where We Want to Go?

It is essential that the ceasefire – and the separation of forces it envisages – be extended, enforced and monitored. The mission of the African Union monitors must be supported and assisted and where necessary enhanced. The Sudanese government has repeatedly called for the full deployment of these forces. Ceasefire monitoring and verification teams which have so effectively policed the ceasefire in southern Sudan and the Nuba mountains must also be

introduced to Darfur.⁸⁹³ The Darfur peace talks must be encouraged and all parties to the conflict must be held to account by the international community. While Khartoum appears to be eager to resolve the Darfur issue, any rebel reluctance, by design, inability or by way of opportunism, to engage in the talks must be recognised and addressed by the international community. Criminality in Darfur must be dealt with aggressively. Khartoum must address the criminality and armed banditry that has undermined law and order in Darfur. A working definition of the “Janjaweed” phenomenon must be agreed – especially with regard to the regulation and disarmament of armed groups in the region. The humanitarian needs of those who have been displaced must be met until those affected are able to return to their homes. External involvement with, and support for, the Darfur rebels, from Eritrea for example, must stop. Only concerted international pressure can make this happen.

Criticism of the Sudanese government for a number of its actions in Darfur is valid but it must be measured and properly focused. Knee-jerk responses by Western countries and other sections of the international community to sensationalist and often questionable claims about Darfur serve only to enflame an already tense situation. They also endanger the north-south peace process and have the potential of slowing Sudan’s re-engagement with the West as well as adversely colouring the image of the West within the developing world.

Appendix One

DECLARATION OF PRINCIPLES FOR THE RESOLUTION OF THE SUDANESE CONFLICT IN DARFUR

Preamble

1 We, the Government of the Sudan (hereinafter the GOS), the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), meeting in Abuja, Nigeria, under the auspices of the African Union (AU), as parts of the efforts to find a lasting solution to the conflict in Darfur,

2. Reiterating our commitment to our previous agreements, namely the Humanitarian Ceasefire Agreement signed in N'djamena, Chad, on April 2004, the agreement on modalities for the establishment of the Ceasefire Commission (CFC) and the Deployment of Observers signed in Addis Ababa, Ethiopia, on 28 May 2004, as well as the Protocols on the Improvement of the Humanitarian Situation in Darfur and the agreement on the Security situation signed in Abuja, Nigeria, on 9 November 2004

3. Reaffirming our commitment to the full implementation of relevant UN Security Council resolutions and African Union decisions stressing the need to reach a political solution in order to bring the conflict in Darfur to an end;

4. Convinced that the core of the current conflict in Darfur is political and socio-economic which can only be resolved through peaceful means and within the framework of a comprehensive settlement that addresses its various causes and aspects;

5. Stressing the commitment to respect international humanitarian law and promote and protect human rights, including the rights of women and children, as part of the efforts to address the prevailing situation in Darfur;

6. Recognizing that faith, traditional values and customs as well as family as the natural and basic nucleus of society, play a positive role;

7. Reaffirming our commitment to the unity, sovereignty, territorial integrity and independence of the Sudan;

8. Recognising that the signing of the Comprehensive Peace agreement (CPA)

between the government of Sudan (GOS) and the Sudan Liberation Movement/Army, on January 9, 2005, constitutes a significant step forward towards finding a just, peaceful and lasting solution to the conflict in the Sudan.

Agree that the following principles shall guide our future deliberations and constitute the basis for a just, comprehensive and durable settlement of the conflict in Darfur:

1. Respect for the diversity of the people of the Sudan is of paramount importance, as are the full recognition and accommodation of the multi-ethnic, multi-religious, multi-cultural situation, as well as the unity of the Sudan historically agreed by the free will of its people will be enhanced by the recognition and accommodation of such diversity
2. Democracy, political pluralism, freedom a vibrant and dynamic civil society, the rule of law, independence of judiciary, the freedom of the media, accountability and transparency, with justice and equality for all, regardless of ethnicity, religion and gender, are a basis for the effective participation of all Sudanese citizens in the management of their own affairs and decision making processes at all levels of governance.
3. Citizenship is the basis for civil and political rights and duties, including the freedom of expression and association for all Sudanese. No Sudanese shall be discriminated against on the basis of religion, belief, ethnicity, gender or for any other reason. This shall be incorporated into the National Constitution.
4. A federal system of government, with an effective devolution of powers and a clear distribution of responsibilities between the national and other levels of governance, is considered essential for ensuring effective local participation and fair administration of Sudan in general and Darfur in particular. In this context, issues relating to the Native Administration should be addressed.
5. Effective representation in all government institutions at the national level, including the legislative, judicial and executive branches, as well as economic and cultural institutions shall be ensured as effective participation by the citizens of Sudan, including those from Darfur.
6. National wealth shall be distributed equitably. This is essential to ensure the effectiveness of the devolution of power in Darfur, within the framework of a federal system of government, and to ensure that due consideration is given to the socio-economic needs of Darfur.
7. Power sharing and wealth sharing shall be addressed in accordance with a fair criteria to be agreed by the Parties.
8. Humanitarian assistance will be provided on the basis of humanitarian standards including those enshrined in International Humanitarian Law, UN norms and standards.
9. Refugees and internally displaced persons (IDPs) have an inalienable right to return to their places of origin in accordance with International Law and UN norms and

standards. To this end, the Parties to the conflict and the international community shall take concrete measures to create a conducive environment to provide the necessary assistance to IDPs and Refugees.

10. Rehabilitation and reconstruction of Darfur is a priority; to that end, steps shall be taken to compensate the people of Darfur and address grievances for lives lost, assets destroyed or stolen, and suffering caused.

11. The promotion of reconciliation, the restoration of the traditional and time honoured peaceful coexistence among the communities of Darfur, based on the principle of mutual respect, and the commitment to prevent future divisions are essential to restore and sustain lasting peace and stability in Darfur.

12. Aiming at sustainable development, environmental degradation, water resources and land use shall be addressed. Tribal land ownership rights (hawakeer) and other historical rights shall be affirmed within their historical borders. Traditional mechanisms in Darfur will be considered consistent with the provisions of the national Constitution.

13. Broad security arrangements to consolidate the restoration of people of Darfur shall be addressed in the context of a Comprehensive Agreement.

14. Agreements reached by the Parties shall be presented to the people of Darfur to secure their support through Darfur-Darfur dialogue and consultation.

15. The guarantee of the AU and assistance of the international community shall be sought to ensure the implementation of Agreements reached for the resolution of the conflict in Darfur.

16. All Agreements reached by the Parties shall be incorporated into the national Constitution.

17. The Parties commit themselves to undertake negotiations to end the conflict in Darfur in good faith.

Abuja, July 5, 2005

Signed

For the Government of Sudan

Mohamed Yousif Abdallah, State Minister for Humanitarian Affairs

For the Sudan Liberation Movement/Army

Khamis Abdallah Abakar, Vice President

For the Justice and Equality Movement

Ahmed Mohamed Tugod Lissan, Head of Delegation

Witnessed by the AU Special Envoy Dr. Salim Ahmed Salim

Appendix Two

THE APRIL 2005 NDJAMENA HUMANITARIAN CEASEFIRE AGREEMENT ON THE CONFLICT IN DARFUR

19 April 2004

Under the auspices of His Excellency, Idriss Deby, President of the Republic of Chad, Head of State, assisted by the Chairperson of the Commission of the African Union, and in the presence of International Observers and Facilitators, The Government of the Republic of Sudan, the Sudan Liberation Movement/Army and the Sudan Justice and Equality Movement; hereinafter known as the Parties, have agreed on the following:

Political Preamble

Convinced of the necessity of the establishment in Darfur of a democratic political culture to guarantee to the populations of the region their political, economic and social rights; Convinced that only a global, just and durable solution negotiated peacefully can resolve the problems in Darfur; Convinced that a mechanism for a political solution should be envisaged as soon as possible;

- 1 The parties undertake to join their efforts in order to establish a global and definite peace in Darfur.
- 2 The parties agree to meet under the auspices of the Tchadian mediator in a period not exceeding two weeks, to negotiate a definitive settlement of the conflict and to discuss solutions to the problems of Darfur, with a view to finding a definite and global settlement in the framework of a conference between all the representatives of Darfur, especially in relation to its socio-economic development.
- 3 The parties undertake to create a conducive environment for negotiations and to cease all hostile media campaigns.

Humanitarian Questions

- Agreeing on the fact that any peaceful and durable settlement of the problem of Darfur can be achieved only through frank and sincere dialogue,
- Determined to give up the use of force as means of settling the problem of Darfur,

Article 1: The parties decide on the cessation of hostilities between them and specifically proclaim a cease-fire for a period of 45 days automatically renewable except if opposed by one of the parties. The ceasefire will be effective on land, and air, to allow on one hand, a fast and unrestricted humanitarian access to the needy populations of Darfur and on the other hand, to arrive at a just and durable solution to the problem in Darfur;

Article 2: The cessation of hostilities between all the forces of the parties will be effective 72 hours after the signing of this Agreement.

During the cease-fire, each party shall:

- Refrain from any recruitment operations;
- Refrain from any military action, and any reconnaissance operations
- Disengage and refrain from any deployment, movement or action which could extend the territory under its control or which could lead to a resumption of hostilities;
- Stop laying landmines; mark and sign post any danger areas and mine fields;
- Refrain from supplying or acquiring arms and ammunitions;
- Refrain from any act of violence or any other abuse on civilian populations;
- Stop any act of sabotage;
- Stop any restriction on the movement of goods and people;
- Stop any form of hostile act, including hostile propaganda;
- Ensure humanitarian access;
- Refrain from any military activity which, from the opinion of the Cease-fire Commission or the Joint Commission, could endanger the cease-fire;

Article 3: The parties shall establish a Cease-fire Commission composed of 2 high ranking officers from the Parties, the Tchadian mediation and the international community in accordance with the sovereignty of the Sudan.

Article 4: The mandate of the Cease-fire Commission shall consist of:

- planning, verifying and ensuring the implementation of the rules and provisions of the cease fire;

- defining the routes for the movement of forces in order to reduce the risks of incidents; the administrative movements shall be notified to the Cease-fire Commission. -assist with demining operations;
- receiving, verifying, analyzing, and judging complaints related to the possible violations of the cease-fire;
- developing adequate measures to guard against such incidents in the future violations
- the parties shall provide the head of the Cease-fire Commission, or his designated representative, immediately upon request information required for the implementation of this Agreement on the understanding that the information will be held confidentially.
- the parties shall give the Cease-fire Commission and its personnel unrestricted access throughout Darfur;
- determine clearly, the sites occupied by the combatants of the armed opposition and verify the neutralization of the armed militias.

The Cease-fire Commission shall report to a Joint Commission composed of the parties, the Tchadian mediation and the international community.

Article 5: The parties have decided to free all the prisoners of war and all other persons detained because of the armed conflict in Darfur;

Article 6: The parties shall ensure that all armed groups under their control comply with this Agreement. The forces of armed opposition should be assembled in clearly identified sites. The Sudanese Government shall commit itself to neutralize the armed militias.

Article 7: The parties have agreed to meet as soon as possible under the auspices of the Tchadian mediation and the international community to discuss pending points, notably about setting up the Joint Commission and the Cease-fire Commission mentioned in article 3 and 4 of the present agreement;

Article 8: The parties undertake to facilitate the delivery of humanitarian assistance and the creation of conditions favorable to supplying emergency relief to the displaced persons and other civilian victims of war and this, wherever they are in the Darfur region, in accordance with the appendix attached to the present Agreement;

Article 9: In case of non respect of the clauses of this Agreement by one of the parties, the other party will refer such a case to the Cease-fire Commission and if necessary the Joint Commission.

Darfur in Perspective

Article 10: This Agreement can be amended by agreement of the parties with the consent of the Cease-fire Commission. The parties may agree to renew this Agreement for an additional 45 days not later than 21 days before the expiry of the Agreement. Any party may notify the Cease-fire Commission of its intention for renewal and if the parties agree, this Agreement shall be extended for an additional two months period;

Article 11: This Agreement shall take effect as from its date of signature. It is drafted in Arabic, in French and in English, all three texts being equally authentic.

Done at N'djamena, this 8th Day of April, 2004.

For the Sudan Liberation Movement/Army (SLM/A)
Mini Arkou Minawi, Secretary General

For the Government of Sudan (GOS)
Acherif Ahmad Oumar Badour, Minister for Investment

For the Sudanese Justice and Equality Movement (SJEM)
Nasradine Hussein Difallah, President
Mahamat Saleh Hamid, Deputy Secretary General

For the Tchadian Mediation
Nagoum Yamassoum, Minister of State, Ministry of Foreign Affairs
and African Integration

For the African Union
Sam B. Ibok, Representative of the Chairperson of the Commission

Appendix Three

THE MAY 2004 AGREEMENT WITH THE SUDANESE PARTIES ON THE MODALITIES FOR THE ESTABLISHMENT OF THE CEASEFIRE COMMISSION AND THE DEPLOYMENT OF OBSERVERS IN THE DARFUR

I. TERMS OF REFERENCE

The Humanitarian Ceasefire Agreement on the conflict in the Darfur, signed in N'Djamena on 8 April 2004, provides, in its articles 3 and 4, for a Ceasefire Monitoring Committee, which shall report to a Joint Commission consisting of the Parties, the Chadian mediation and the international community. To implement the above provisions, the African Union is proposing that the Parties agree on the followings:

1. Joint Commission

A. The Joint Commission shall operate on the basis of consensus and consist of two senior members each, from the Parties, the Chadian mediation, the African Union (AU), the US and the EU. The Chairman of the Joint Commission shall be selected by the AU from an African Union Member State. Other International Representatives from the UN and major contributors shall be invited to attend the meetings of the Joint commission as observers.

B. The Joint Commission shall comprise political leaders who should be mandated to take decisions and to deal with matters brought before it by CFC. The Joint Commission (JC) shall be located initially in N'Djamena, moving to Khartoum at a time to be agreed upon by the parties.

2. *Ceasefire Commission*

The CFC shall report to a Joint Commission consisting of the Parties, the Chadian Mediation and the international community in accordance with the sovereignty of Sudan.

II. COMPOSITION

1. The Ceasefire Commission (CFC) shall be composed as follows:
 - a. Chairman, to be appointed by the AU, from an African Union Member State;
 - b. Deputy Chairman (European Union);
 - c. Chadian Mediation;
 - d. Government of Sudan
 - e. JEM
 - f. SLM/A
2. The size of the CFC may be adjusted with the agreement of the Parties as necessary to carry out the objectives of the Agreement.
3. Other International Representatives from the UN, the EU and USA shall be invited to participate as observers.
4. The operational arm of the Ceasefire Commission shall be the African Union Monitoring Mission, composed of Observers from the Parties, the Chadian mediation, African Union Member States and other representatives of the International Community.
5. To ensure command and control, all Observers shall be answerable to the Chief Military Observer (CMO) to be designated by the AU, who, in turn, shall be answerable to the CFC. Additionally, and in order to ensure unity and discipline of command, all Observers participating in the monitoring, investigation and verification exercise, as well as members of the CFC, shall be funded through the budget of the CFC. No parallel reporting to other authority shall be allowed in the execution of responsibilities.
6. The Military Observers (MILOBS) may be lightly armed. The AU Monitoring Mission shall be deployed on the basis of the commitment of the Government of The Sudan, the JEM and the SLM/A to ensure the protection and the safety of the Observers. However, in the event that the Parties are unable to provide effective protection, the Chairmen of the Joint Commission (JC) and the Ceasefire Commission (CFC) shall request for the deployment of the protection element as envisaged in the decision of

the AU Peace and Security Council of 25th May 2004. The Protection element shall be drawn from AU Member States and shall number between 100 and 300.

III. MANDATE

i. The mandate of the CFC shall consist of:

- Planning, verifying and ensuring the implementation of the rules and provisions of the ceasefire;
- Defining the routes for the movement of forces in order to reduce the risks of incidents; the administrative movements shall be notified to the CFC;
- Requesting appropriate assistance with demining operations;
- Receiving, verifying, analyzing and judging complaints related to possible violations of the ceasefire;
- Developing adequate measures to guard against such incidents in the future;
- Determining clearly the sites occupied by the combatants of the armed opposition and verifying the neutralization of the armed militias.

ii. The CFC Headquarters shall be responsible for coordinating investigations, verifications, monitoring and reporting compliance in accordance with the Darfur Cease-fire Agreement and Implementation Modalities. The priority for the CFC is to investigate and report on violations of this Agreement

iii. The CFC Headquarters shall be located in El-Fisher (Darfur). Sector sites shall be established at other locations, including, but not limited, to Nyala, El Geneina, Kabkabiyah, Tine, and Abeche. A liaison Office will be established in Khartoum.

Each Sector will be composed of two (2) Teams for verification and investigation comprising the Parties, the African Union, the Chadian Mediation and other members of the international community (see the deployment Plan). iv. The CFC support staff shall be part of the Headquarters and shall be organized as follows:

- Operations Team: Coordinates all activities of the CFC in Darfur. Maintains communications links with the Parties and the International community.
- Transportation/Logistics Team: Coordinates transportation, communications, supply and logistics requirements for the CFC.
- Information Team: Coordinates the dissemination of information to support and promote the Cease-fire Agreement among the people in Darfur, including information regarding activities of the CFC, freedom of movement, civic action, and others.
- Medical Support Team: Provides necessary health and medical care and advice to the CFC.
- Government of Sudan Team: Conducts liaison with the GoS.

- SLM Team: Conducts liaison with the SLM/A.
- JEM Team: Conducts liaison with the JEM.

IV. MODALITIES FOR MONITORING AND VERIFICATION

- a. Under the orders of the Chairman, members of the CFC can be deployed anywhere in Darfur to monitor and report on compliance with the provisions of the Cease-fire Agreement and when necessary investigate any alleged violations of the Agreement. When deployed, the CFC shall organize itself as a team. The team leader will be designated by the Chairman/Deputy Chairman.
- b. The CFC will investigate all credible reports of violations of the Ceasefire Agreement. The CFC may conduct its inspections and investigations by road or by air.
- c. Each of the Parties and the international community shall provide two liaison officers per sector, to be available to participate in investigations at any time. The non-provision of liaison personnel by the Parties to investigate shall be considered as a violation of the Agreement.
- d. Following an investigation, the CFC shall endeavor to reach its decisions by consensus. In the event that any of the parties disagrees with the final decision of the CFC, that Party will seek redress from the Joint Commission (JC).
- e. The CFC shall seek to advance the process through confidence building visits in the region. The CFC will maintain regular liaison with the parties as well as UN Agencies, the ICRC and NGOs. The CFC will also visit IDP sites and other areas.
- f. The parties shall provide the Chairman of the CFC, or his designated Representative, immediately upon request, information required for the implementation of the Darfur Ceasefire Agreement on the understanding that the information shall be held confidential by the Chairman.
- g. The Parties shall give the CFC and its personnel unrestricted freedom of movement and access throughout Darfur. The Sector Commander shall inform all members of the Observer team of all their future movements. It will be the responsibility of Liaison Officers to inform their respective Commanders of such movements.
- h. A Status of Mission Agreement (SOMA) will be signed with the Government of The Sudan.

Addis Ababa, 28 May 2004

For the Sudan Liberation Movement/Army:
Mini Arkou Minawi, Secretary General

For the Government of Sudan:
H.E. Osman Elsaïd, Ambassador of the Republic of the Sudan in Ethiopia

For the Justice and Equality Movement:
Ahmed Mohamed Tugod Lissan

For the Chadian Mediation:
H.E. Maïtine Djoumbé, Ambassador of the Republic of Chad to Ethiopia

For the African Union:
H.E. Saïd Djinnit, Commissioner for Peace and Security

[A “PLAN FOR THE ESTABLISHMENT OF A CEASEFIRE COMMISSION AND THE DEPLOYMENT OF OBSERVERS IN DARFUR” was also agreed]

Appendix Four

PROTOCOL BETWEEN THE GOVERNMENT OF THE SUDAN (GOS), THE SUDAN LIBERATION MOVEMENT/ARMY (SLM/A) AND THE JUSTICE AND EQUALITY MOVEMENT (JEM) ON THE ENHANCEMENT OF THE SECURITY SITUATION IN DARFUR IN ACCORDANCE WITH THE N'DJAMENA AGREEMENT

Preamble

- 1 *We*, the *Government* of the Sudan (hereinafter the GoS), on one hand, the Sudan Liberation Movement/Army (*SLM/A*) and the Justice and Equality Movement (JEM) [hereinafter the *SLM/A-JEM*], on the other, henceforth referred to as the Parties, meeting in Abuja, Nigeria, under the auspices of the African Union (AU), as part of the efforts to find a lasting solution to the conflict in *Darfur*;
- 2 *Expressing* our utmost concern over the repeated violations of the relevant provisions of the Humanitarian Ceasefire Agreement, signed in N'djamena, Chad, on 8 April 2004 [hereinafter the N'djamena Agreement], and the prevailing insecurity in *Darfur*, notably the persistent attacks and other abuses against civilians and their property and livelihood;
- 3 *Condemning* all acts of violence against civilians and violations of human rights and international humanitarian law;
- 4 *Cognizant* of the need to restore confidence in *Darfur*, as part of the efforts to facilitate the voluntary return of the refugees and internally displaced persons (IDPs), alleviate the plight of the civilian population and create conditions for a lasting and comprehensive settlement of the conflict in *Darfur*;
- 5 *Reiterating* our commitment to the N'djamena Agreement, including the appended *Protocol* on the Establishment of Humanitarian Assistance in *Darfur*, the Agreement on the Modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers in *Darfur*, signed in Addis Ababa, Ethiopia, on 28 May 2004

[hereinafter the Addis Ababa Agreement] and the *Protocol* on the improvement of the Humanitarian situation in *Darfur*, signed in Abuja on 9 November 2004;

6 *Reaffirming* our commitment to the sovereignty, unity, territorial integrity and independence of the Sudan;

7 *Recalling* the spirit and letter of resolutions 1556 (2004) and 1564 (2004) adopted by the UN *Security Council* on 30 July and 20 September 2004, respectively, as well as relevant AU decisions, including the Communiqué adopted by the 18th meeting of the Peace and *Security Council* (PSC) of the AU, held on 20 October 2004;

8 *Recognizing* that the magnitude of the crisis in *Darfur* is such that it requires sustained assistance and engagement by the international community and, in this regard, *expressing our appreciation* for its efforts to alleviate the humanitarian plight and promote lasting peace and *security* in *Darfur*;

9 *Welcoming* the leadership and the engagement of the African Union, including its decision to strengthen its Mission in the Sudan (CFC/AMIS), to provide more effective support to the efforts aimed at restoring peace and *security* in *Darfur*, and *expressing our commitment* to fully cooperate with the AU to that end;

10 *Recording* our agreement to address humanitarian issues, *security* issues, political questions, as well as economic and social affairs, in the course of the Inter-Sudanese Peace Talks on the crisis in *Darfur*;

Agree as Follows:

1. The Parties agree to strictly abide by the provisions of the N'djamena and Addis Ababa Agreements. In this respect, the Parties recommit themselves to ensure an effective ceasefire on land and air, in particular:

- refraining from all hostilities and military actions, any reconnaissance operations, deployment, movement, or any other action aimed at extending territories under their respective control, and any military activity which, in the view of CFC/AMIS, undermines the ceasefire;
- notifying all administrative movements to the CFC/AMIS.

2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

- submitting to the Chairman of the CFC/AMIS, or his designated representative, all information needed to enable it to carry out its mandate and tasks as agreed upon under the N'djamena and Addis Ababa Agreements. Such information shall be held confidentially;
- cooperating fully with the CFC/AMIS, to enable it develop, as soon as

possible, a plan with a view to ensuring that no exchange of fire takes place and facilitating the effective monitoring of the ceasefire

- providing CFC/AMIS with the required information to enable it determine clearly the sites occupied by the forces on the ground;
- extending unreserved cooperation to AMIS to enable it discharge its mandate and operational tasks as spelt out in the communiqué adopted by the 18th meeting of the PSC held on 20 October 2004;
- refraining from conducting hostile military flights in and over the *Darfur* Region.

3 The Parties call upon the CFC/AMIS to accelerate the enforcement and full implementation of the N'djamena Agreement.

4. In compliance with Article 5 of the N'djamena Agreement, the Parties commit themselves to:

- release immediately and unconditionally all persons detained in relation to the hostilities in *Darfur*. This stipulation shall not apply to those convicted through the due process of law under para. 6 of resolution 1556 (2004);
- request the International Committee of the Red Cross (ICRC) to assist in this exercise in accordance with the Geneva Conventions; in this respect, further request CFC/AMIS to extend its full cooperation to the ICRC, in conformity with the latter's mandate as a neutral intermediary;
- abstain, in conformity with the N'djamena Agreement, from detaining or abducting persons.

5 In accordance with the N'djamena Agreement, relevant AU decisions and UN Security Council resolutions 1556 and 1564, the GoS undertakes to:

- expeditiously implement its stated commitment to neutralize and disarm the Janjaweed/armed militias, bearing in mind the relevant UN Security Council resolutions. Such a process shall be supervised and verified by the CFC/AMIS. For this purpose, the GoS shall provide all relevant information to the CFC/AMIS;
- identify and declare those militias over whom it has influence, and provide CFC/AMIS with all relevant details. The GoS shall ensure that these militias will refrain from all attacks, harassment, or intimidation.

6 The Parties agree to build confidence between themselves and restore trust among the local communities, including through:

- ensuring the *security* of commercial activities in *Darfur*, as well as to and

from other parts of the country, and facilitating the provision of basic humanitarian services in *Darfur*;

- ensuring full control of the members of their respective forces at all levels to prevent all actions that would constitute violations of the ceasefire or undermine *security*.

7 Acknowledging the need for a sustained assistance and engagement by the international community, the Parties:

- commit themselves to fully cooperate with the AU to facilitate the process of strengthening AMIS as decided by 18th meeting of the PSC held on 20 October 2004;
- request the CFC to report on a regular basis, at least once every two weeks, to the Joint Commission on the progress made in the implementation of the present *Protocol*, in accordance with the N'djamena and Addis Ababa Agreements;
- agree on the urgent need to enhance the role of the Joint Commission, including by holding monthly meetings and ensuring adequate attendance at appropriate level;
- agree, in line with the Constitutive Act of the AU, to seek any additional assistance that may be needed from the AU to speed up the implementation of the above commitments.

8 The Parties shall refrain from recruiting children as soldiers or combatants, consistent with the African Charter on the Rights and Welfare of Children, the Convention on the Right of the Child (CRC) and the Optional *Protocol* to the CRC on the Involvement of Children in Armed Conflict.

9 The Parties request CFC and AMIS, in accordance with their mandates, to monitor and observe compliance with the present *Protocol*. In this respect, the CFC and AMIS shall, as necessary and in consultation with the Parties, determine modalities for discharging the responsibilities entrusted to them under the present *Protocol*.

10 The Parties agree to defer any disagreement on interpretation of the present *Protocol* to the AU Commission.

11 This *Protocol* shall take effect as from its date of signature.

12 The Chairperson of the AU Commission shall register the present *Protocol* with the Secretary-General of the United Nations, in accordance with Article 102 of the UN Charter.

Abuja, 9 November 2004.

For the Government of the Sudan

Darfur in Perspective

Dr. Magzoub El-Khalifa, Head of Delegation
For the Sudan Liberation Movement/Army
Minni Arkou Minawi, Secretary-General

For the Justice and Equality Movement
Ahmed Mohamed Tugod Lissan, General Coordinator,

Witnessed by:
The Federal Republic of Nigeria (Chair of the AU)
Amb. Oluyemi Adeniji, Minister of Foreign Affairs

The AU Commission
Amb. Sam B. Ibok

The Chadian Co-Mediation
Amb. Allam-Mi Ahmad

Appendix Five

PROTOCOL BETWEEN THE GOVERNMENT OF THE SUDAN (GOS), THE SUDAN LIBERATION MOVEMENT/ARMY (SLM/A) AND THE JUSTICE AND EQUALITY MOVEMENT (JEM) ON THE IMPROVEMENT OF THE HUMANITARIAN SITUATION IN DARFUR

Preamble

We, the Government of the Sudan (hereinafter the GoS), on the one hand, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) [hereinafter the SLA/M – JEM], on the other, and all the three parties referred to as the Parties, meeting in Abuja, Nigeria, under the auspices of the African Union (AU), as part of the efforts to find a lasting solution to the conflict in Darfur;

Expressing our utmost concern at the current humanitarian crisis in Darfur and its consequences for the civilian population, especially women and children, resulting in widespread human suffering;

Condemning all acts of violence and violations of human rights and international humanitarian law;

Reiterating our commitment to the Humanitarian Ceasefire Agreement, signed in N'djamena, Chad, on 8 April 2004 [hereinafter the N'Djamena Agreement], including the appended Protocol on the Establishment of Humanitarian Assistance in Darfur, and the Agreement on the Modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers in Darfur, signed in Addis Ababa, Ethiopia, on 28 May 2004 [hereinafter the Addis Ababa Agreement];

Recalling the spirit and letter of Resolution 1556 (2004) adopted by the UN Security Council, on 30 July 2004, as well as AU Decisions relevant to the humanitarian issues;

Upholding the noble traditions and values of the Sudanese people, including the principle of solidarity to assist and save the weak and vulnerable during times of difficulty;

Stressing the need to restore and uphold the rule of law, including investigating all cases of human rights violations and bringing to justice those responsible, in line with the AU's expressed commitment to fight impunity;

Recognizing that the magnitude of the crisis in Darfur is such that it requires sustained assistance and engagement by the international community;

Welcoming the leadership and the engagement of the AU, including through its Mission in Sudan (AMIS), to address the situation in Darfur and expressing our commitment to fully cooperate with the AU to achieve a lasting solution to the conflict;

Aware of the need to adhere to the humanitarian principles embodied in the UN Charter and other relevant international instruments, especially the principles of neutrality and impartiality of humanitarian assistance and aid workers;

Determined to do everything possible to halt the unfolding humanitarian crisis and to take the urgent steps required to create conditions conducive to a lasting and comprehensive solution to the conflict in Darfur;

Recording our agreement to address humanitarian issues, security issues, political questions, as well as economic and social affairs, in the course of the Inter-Sudanese Peace Talks on the crisis in Darfur.

Agree as follows:

1. Free Movement and Access

- We commit ourselves to guarantee unimpeded and unrestricted access for humanitarian workers and assistance, to reach all needy people throughout Darfur, including:
- The removal of all restrictions and procedures that may hinder free movement and access by land and air, without escort;
- The authorization by the GoS, where deemed necessary by the UN, of cross-border humanitarian activities by international humanitarian agencies and organizations. In this respect, we commit ourselves to allow such assistance to proceed unimpeded;
- Allowing the UN and other humanitarian assistance organizations, including Non-Governmental Organizations (NGOs), to travel along routes proposed by the UN, without restrictions or escorts, in order to deliver assistance to areas controlled by any Party, and facilitate all activities undertaken to that end;
- Recognizing the right of the UN and other humanitarian assistance organizations, including NGOs, to administer and manage their operations, including the freedom to recruit and deploy their staff, without restrictions, interference or harassment by any Party;
- Assigning a full time dedicated Contact Point, within the framework of the Joint Humanitarian Facilitation and Monitoring Unit, referred to in

paragraph 4 of the present Protocol, to work with the UN and other humanitarian assistance organizations to address issues related to free movement and access.

2. Protection of Civilians

We commit ourselves to:

- Take all steps required to prevent all attacks, threats, intimidation and any other form of violence against civilians by any Party or group, including the Janjaweed and other militias;
- Respect the property and livelihoods of individuals and communities;
- Ensure that the principle of voluntary return is fully respected and is not tampered with in any shape or form, consistent with general UN return principles;
- Maintain the civilian character of Internally Displaced Persons (IDPs) and refugee camps;
- Protect the rights of IDPs and refugees to return to their areas of origin;
- Protect the rights of IDPs and refugees in their areas of origin in order to enable them to return, should they choose to do so;
- Cooperate fully with the CFC and swiftly implement its recommendations;
- Ensure that all forces and individuals involved or reported to be involved in violations of the rights of IDPs, vulnerable groups and other civilians will be transparently investigated and held accountable to the appropriate authorities;
- Implement all commitments related to the protection of civilians in a manner consistent with the N'djamena and Addis Ababa Agreements. We request the AMIS to monitor the implementation of this commitment and to report thereon to the Joint Commission (JC), provided for in the N'djamena Agreement, on a regular basis.

3. Role of the International Community

Mindful of the crucial role of the international community in support of our efforts, we:

- Request the AU to urgently take the necessary steps to strengthen AMIS on the ground, with the requisite mandate, to ensure a more effective monitoring of the commitments we have made under the present Protocol and previous instruments, including the N'djamena and Addis Ababa Agreements, and those provisions of the Plan of Action for which AU's assistance has been requested. We undertake to extend full cooperation to the AU to that end;

Darfur in Perspective

- Appeal to the donors and the international community at large to extend full support to the UN and other humanitarian organizations in their endeavour to mitigate the humanitarian crisis in Darfur;
- Invite the international community to remain actively engaged in the efforts to alleviate the plight of the civilian population and promote a lasting solution to the current conflict;
- Welcome the deployment of UN human rights monitors and request the Office of the UN High Commission for Human Rights to expand the number of its human rights monitors in Darfur to assist the parties in their efforts to protect the human rights of the civilian population. We also commit ourselves to cooperate, as appropriate, with relevant and competent human rights organizations.

4. Implementation Mechanism

Within the framework of Article 8 of the N'djamena Agreement and in order to ensure full compliance with the provisions of this Protocol and implement them in good faith, we:

- Agree to form a Joint Humanitarian Facilitation and Monitoring Unit, based in El Fasher, under the leadership of the AMIS, comprising the UN, the members of the Joint Commission and other representatives of the international community invited by the AU. The Joint Humanitarian Facilitation and Monitoring Unit will report monthly to the Joint Commission on the progress made and the difficulties encountered;
- Endeavour, through the Joint Humanitarian Facilitation and Monitoring Unit, to identify ways and means of rebuilding confidence and trust in Darfur and defusing tensions among communities;
- Request the AU, working closely with the UN, to develop the detailed terms of reference and modalities for the functioning of the Joint Humanitarian Facilitation and Monitoring Unit.

Abuja, 9 November 2004

For the Government of the Sudan

Dr. Magzoub El-Khalifa, Head of Delegation

For the Sudan Liberation Movement/Army
Minni Arkou Minawi, Secretary-General

For the Justice and Equality Movement
Ahmed Mohamed Tugod Lissan, General Coordinator

Witnessed by:

The Federal Republic of Nigeria (Chair of the AU)
Amb. Oluyemi Adeniji, Minister of Foreign Affairs

The AU Commission
Amb. Sam B. Ibok

The Chadian Co-Mediation
Amb. Allam-Mi Ahmad

Appendix Six

JOINT COMMUNIQUE BETWEEN THE GOVERNMENT OF SUDAN AND THE UNITED NATIONS ON THE OCCASION OF THE VISIT OF THE SECRETARY GENERAL TO SUDAN

29 June - 3 July 2004

- * Deeply concerned with the grave situation in the Darfur region of the Sudan;
- * Alarmed by the number and severity of conditions of the internally displaced in Darfur and refugees in Chad which, if not addressed with urgency, may deteriorate to catastrophic levels;
- * Aware of the urgent need to stop the continuing attacks on the targeted civilian population in Darfur, particularly by the Janjaweed and other outlaw armed groups, and to ensure security in the region consistent with the humanitarian ceasefire agreement signed by the government of Sudan and the rebel groups (SLM and JEM) in May;
- * Convinced of the need to stop all human rights violations in the region;
- * Convinced too of the urgency of resuming the talks between the Government of Sudan and the Darfur rebel groups (SLM and JEM) and speedily reach final settlement to address the root causes of the conflict;
- * Aware of the positive impact the implementation of an eventual agreement on the South will have in the settlement of the conflict in Darfur and the establishment of durable peace in the Sudan as a whole;
- * Recognizing the recent improvement in achieving humanitarian access to Darfur granted by the Government of Sudan to the United Nations, including humanitarian organizations and African Union monitors, as well as welcoming the increase in the provision of assistance to the internally displaced and other vulnerable groups by local and national authorities, international agencies and non-governmental organizations;

THE UNITED NATIONS:

1. Pledges to do its utmost to help alleviate the humanitarian need of the affected population in Darfur and Sudanese refugees in Chad consistent with its 90-day Humanitarian Action Plan.
2. Will assist in quick deployment of African Union ceasefire monitors
3. Stands ready to continue to help in the mediation on the South and on Darfur
4. Commits itself, subsequent to Security Council resolutions, to assist implement agreements reached on South Sudan and Darfur; to that end, the UN shall continue the preparations it has started for a possible peacekeeping role when agreements are reached.

THE GOVERNMENT OF SUDAN COMMITS ITSELF TO:

1. ON HUMANITARIAN ISSUES:

Implement a 'moratorium on restrictions' for all humanitarian work in Darfur, and removes any other obstacles to humanitarian work, including:

- * Suspension of visa restrictions for all humanitarian workers and permitting freedom of movement for aid workers throughout Darfur.
- * Permitting immediate temporary NGO registration through a simple notification process that OCHA will offer to manage on behalf of NGOs; permanent registration shall be processed within 90 days.
- * Suspension of all restrictions for the importation and use of all humanitarian assistance materials, transport vehicles, aircraft and communication equipment.

2. ON HUMAN RIGHTS:

- * Undertake concrete measures to end impunity.
- * Undertake immediate investigation of all ceases of violations, including those brought to its attention by the UN, AU and other sources.
- * Ensure that the Independent Investigation Committee, established by presidential decree in May, receives the necessary resources to undertake its work and that its recommendations are fully implemented.
- * Ensure that all individuals and groups accused of human rights violations are brought to justice without delay.
- * Allow the deployment of human rights monitors.
- * Establish a fair system, respectful of local traditions, that will allow abused women to bring charges against alleged perpetrators.

3. ON SECURITY:

- * Deploy a strong, credible and respected police force in all IDP areas as well as in areas susceptible to attacks.
- * Train all police unit in human rights law and hold them responsible for upholding it;
- * Ensure that no militias are present in all areas surrounding IDP camps.
- * Immediately start to disarm the Janjaweed and other armed outlaw groups.
- * Ensure that immediate action is taken to rebuild the confidence of the vulnerable population and that any return of the displaced to their homes is done in a truly voluntary manner in line with the current Humanitarian Ceasefire Agreement.

4. ON POLITICAL SETTLEMENT OF THE CONFLICT IN DARFUR:

- * Resume the political talks on Darfur in the shortest possible time to reach a comprehensive solution acceptable to all
- * As peace in Darfur is a requisite for peace in the South, welcome the international community's role in assisting the implementation of an eventual peace agreement in Darfur.

IMPLEMENTATION MECHANISM:

1. The Government of Sudan and the United Nations agree to form a high level Joint Implementation Mechanism (JIM) for this agreement.
2. The Government of Sudan and the United Nations delegates to the JIM shall be lead by the Minister of Foreign Affairs for Sudan and the SRSG for the UN and its partners.
3. The JIM shall closely follow and appraise development and periodically report on the progress in the implementation of this agreement to the Government of Sudan and the United Nations.

KHARTOUM, 3 July 2004

Appendix Seven

GOVERNMENT LEGISLATIVE MEASURES ON DARFUR

KHARTOUM, July 06, 2004 (SUNA) — Following are the titles of the resolutions [issued by the representative of the Sudanese president in Darfur states and the minister of interior to restore law and order in western Sudan]: -

Resolution No. (1) for 2004 (To strengthen the security measures and protect the citizens in Darfur state.)

Resolution No. (2) for 2004 (Opening of police centers in the displaced camps and to strengthen the security measures in Darfur state.)

Resolution No. (3) for 2004 (To extend the necessary help to the committees and the African surveillance force.)

Resolution No. (4) for 2004 (Deployment of the armed force and the participating force and the security institutions in Darfur state to prevail security and protect the citizens and their properties in Darfur.)

Resolution No. (5) for 2004 (To facilitate the measures for granting entry visas to the workers of the voluntary organizations working in the sphere of humanitarian aid in Darfur state.)

Resolution No. (6) for 2004 (Exemption of all the humanitarian aid imports from any restrictions or customs tariff or any personal fee.

Resolution No. (7) for 2004 (Repeal of measures regarding the specifications on the humanitarian aid imports to Darfur state.)

Resolution No. (8) for 2004 (To facilitate the freedom of movement for those working in the humanitarian aid organizations in Darfur state.)

Resolution No. (9) for 2004 (To facilitate the flow of humanitarian aid to the displaced people in Darfur state.)

Resolution No. (10) for 2004 (Exemption of humanitarian aid from the health and medical measures in Darfur state.

Resolution No. (11) for 2004 (Exemption of agricultural inputs, fodders, and seeds in Darfur state from any restrictions or customs tariff or any personal fees)

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Resolution No. (12) for 2004 (Exemption of humanitarian aid imports to Darfur state from any imports restrictions.)

Resolution No. (13) for 2004 (Exemption of humanitarian aid imports in Darfur state from the wounded stamp fee.)

Resolution No. (14) for 2004 (To activate the measures regarding the governments of Darfur states to guarantee the flow of the humanitarian aid and the humanitarian aid imports to the state and to ensure the return of the displaced to their villages)

Resolution No. (15) for 2004 (To facilitate the work of the facts finding committee in regard to the allegations of human rights violations committed by armed groups in Darfur state).

Appendix Eight

JOINT COMMUNIQUE FROM THE MINISTRY OF FOREIGN AFFAIRS AND THE MINISTRY OF HUMANITARIAN AFFAIRS ON THE FACILITATION OF HUMANITARIAN ACCESS TO DARFUR

Khartoum, 20 May 2004

In fulfilment of its responsibilities and obligations toward its citizens and to ensure their well-being, and in adherence with the protocol on humanitarian access and the ceasefire agreement, both signed in N'Djamena, Chad in April 2004, the Government of Sudan recognizes the crucial need for immediate humanitarian assistance in the region and is determined to alleviate the suffering that has resulted as a byproduct of the war. This is one of the steps the Government is taking to enable the citizens of Darfur to return to their homes in time to prepare and plant their crops before the commencement of the rainy season. In efforts to facilitate the expected influx of assistance from various groups and partners, the Government of Sudan has decided the following:

- 1 To grant aid workers from various organizations, including the U.N., Red Cross, and NGOs, direct entry visas from Sudan missions abroad within forty-eight hours of application. The visas will be valid for three months.
- 2 To suspend the current system of travel permits required for travel to Darfur for three months. In its place the Government will require only that the aid workers have entry visas and provide the Ministry of Humanitarian Affairs with their names and itineraries.
- 3 To keep working on facilitating other procedures that will guarantee the delivery of the equipment and supplies needed for humanitarian work in Darfur.

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- 4 These procedures will be effective Monday, May 24, 2004.
- 5 For more details references can be made to the Ministry of Humanitarian Affairs.

Based on the Government's open-ended vision to guarantee and facilitate humanitarian efforts, the Government calls on the African Union to prompt the deployment of the Cease-Fire Monitoring Team to Darfur. The presence of the Cease-Fire Monitoring Team will guarantee the flow of humanitarian aid and contribute to reinstating stability to the region. The Government also calls on the displaced persons and citizens of Darfur to return to their regions; the Government is committed to the Ministry of the Interior's security plan that guarantees their protection and security.

Appendix Nine

[Published by the Government of Sudan, Khartoum, December 2004]

THE SUDAN GOVERNMENT VISION FOR A PEACEFUL SOLUTION IN DARFUR

Introduction:

1 The root causes of Darfur conflict are traced back to the competition between different groups of people over scarce natural and economic resources, such as water sources, pasture and arable and residential Land, in a society that, despite its religious harmony, is known for its tribal and linguistic diversity, in addition to the cross-border tribal ties with the neighbouring countries. As a result of the remoteness of the region which also lacks necessary infra-structure, coupled with the meagre resources and the lack of the international aid, the presence of law and security enforcement authorities in Darfur has been very weak. Therefore, in some parts of Darfur, traditional institutions, like the tribes, clans and armed groups enjoy people's loyalty and command greater influence than the state

2 In addition to the aforementioned reasons there have been other factors that have added to the complexity of the situation in Darfur, these are:

a- The war in South of the Sudan that has lasted for more than twenty years. This war has wasted huge financial resources that could have been spent in developing the least developed regions of the Sudan, including Darfur. It has also contributed to the spread of culture of violence and incited some individuals and groups to believe that achieving their political objectives would be easier by raising arms against the state

b- The armed conflicts in some of the neighbouring countries at different times led a number of armed groups to seek refuge in Darfur, some of them have their tribal extensions in the regions. This led to the spread of arms, given the long and not easy to monitor common borders

c- An economic embargo that has been imposed on Sudan throughout the 1990s including the freezing of the country's legitimate rights in Lome and Cotonou Agreements. As a result of this embargo which limited the state ability to execute social and economic developmental projects, the economic situation and living conditions in Sudan especially in the least developed regions, worsened. It should be noted, however, that most of the funds allocated to Sudan under, Lome Agreement, has been used in developmental projects in Darfur and other regions with similar conditions.

3 All these factors produced social and political congestions in some parts of Darfur. Different armed groups have emerged, some of them are organised robbery bandits, some are tribal militia for self-defence, and, of late, the anti-government armed groups came into being.

4 The Sudan Government acknowledges that there have been historical, objective domestic and external factors that made Darfur one of the least developed regions in Sudan. It also understands and shares the aspirations of Darfur people for economic and social development and equitable political participation. However, it must be made clear that raising arms against the state is not the appropriate method to achieve these legitimate ends. The Sudan Government reiterates that achieving sustainable and balanced development in all regions of the Sudan, and finding a political formula that secures equitable power sharing by its people have been on the top of its agenda. This has been manifested in the Naivasha Protocols that would lead to just and comprehensive peace agreement.

5 In recognition of this reality, the National Salvation Revolution has exerted considerable efforts in different fields of development and essential services in Darfur, including education, health, water supply, roads and airports, security and justice, The Government, however, admits that more efforts are still needed, given Darfur's vast area and the fact that the population is scattered throughout the region.

Principles of Peaceful Solution:

a The Government of the Sudan calls for adoption of the following principles to resolve Darfur problem.

- * Federal System of government which is the best for the Sudan.
- * Acknowledging cultural and social diversity in the Sudan and considering it a support to the national unity.
- * The equitable distributions of national wealth as a means to achieve the sustainable and balanced development of the whole country.

- * Power devolution in appropriate way between different levels of government.
- * Peaceful and democratic rotation of power and free political competition.

b The Government of Sudan views the agreed- upon agenda in Abuja talks under the AU auspices, namely: Humanitarian, Political, Security, Economic and Social affairs, respectively, as integral agenda that could lead to the resolution of Darfur Problem.

The positions of the Government of the Sudan on these agenda can be summed up as follows:

1 Humanitarian Affairs

To further enhance the internationally recognized progress and improvement in the humanitarian affairs, the Government believes that the agreed-upon protocol on the matter has covered all humanitarian aspects, and that it should be signed immediately to come into force. The Government of the Sudan reiterates its full commitment to implement this protocol to save the lives of its people who are affected by the conflict. It calls on the rebel movements in Darfur to sign and implement the protocol .

2 Security Affairs

The Government asserts that the responsibility of protecting civilians is an essential part of its duties that it spares no effort to fulfil. Addressing the question of security should take place in accordance with the Ndjama Cease-Fire Agreement on 8th April 2004 and the AU Resolutions of 8th July 2004 in Addis Ababa. Had the rebels accepted a negotiated settlement to the problem and committed themselves to the signed agreements, the situation in Darfur would not have reached the current level. One of the major hindrances of improving the security situation is the failure of rebels to abide by the cease-fire agreement and their refusal to have their forces in specified areas as stipulated in Ndjama Agreement and the AU resolutions. The Government has agreed to increase the African Union's monitors and their protection forces. This move is aimed at consolidating the cease-fire monitoring, helping confidence building and enhancing tranquillity in the camps of internally displaced persons and refugees to facilitate their voluntary return to their homes. At the same time, the rebel forces must be cantoned to protect them and to control their arms (see the appendix on security affairs).

3 Political Aspect

The Government's option is that the political aspect of Darfur problem is to be dealt with in the context of the federal system of government for all states in Northern Sudan

and according to Naivasha Agreement, in particular the articles that cover the status of Northern states. This agreement provides for holding multi-party elections at federal and state level including the direct election of state governors and legislative assemblies. It is the government's conviction that political solution to Darfur question should be based on a settlement accepted by all parties and supported by the people, provided that it should maintain the Sudan unity and ensure the widest popular participation on the basis of equality between all citizens.

The Government further believes that implementing and consolidating the federal system of government in the Northern states provides a real solution to the conflict in Darfur as it would ensure that:

- * States shall have their own constitutions that do not contravene with the federal constitution.
- * Elected State Governors.
- * Elected Legislative Assemblies.

In the Government view, this solution would guarantee the Sudan unity and stability while enabling people of Darfur to run their own affairs in a direct and democratic manner beside enhancing their proactive participation in the government, administration, economy and all other public affairs.

Success of political solution in Darfur requires the full commitment and respect by the rebel to the cease-fire agreements, and they must also refrain from obstructing humanitarian activities for the sake of creating a conducive atmosphere for successfully peaceful settlement. Towards this end, political solution is to take place at two levels:

First level agreement between the Government and the two rebel movements on the above-mentioned fundamental principles

Second level A dialogue between the Government and people of Darfur as represented by their political, social, and tribal leaders beside armed groups, in the presence of representatives of Sudanese political powers, the AU, UN, Arab League, OIC, as monitors. The issues this conference will discuss include:

- a- Issues of native, local, executive and political administration in Darfur within the federal framework
- b- Issues of development and public service in Darfur.
- c- Suitable formula of the region's participation in the central institutions.

Economic and Social Aspects:

Economic Aspects:

The Government of the Sudan recognizes that Sudanese citizen deserves an equitable share from the country's wealth and resources. The Government is keen on equitable distribution of wealth according to the following principles:

First The aim of distribution of national wealth and resources is to attain decent living conditions for every and each citizen regardless of his/her gender, ethnicity, religion or political affiliation

Second Each level of Government, federal state or local should be given enough resources that would enable it to fulfil its responsibilities

Third All states and regions should get their equitable share of development to enable them reach a level that provides basic services and social development to have all states be on a par with the average standard.

Fourth Special resources are to be allocated to regions affected by war and conflicts or those with meagre resources and economic backwardness with a view of providing them with developmental services and infra-structure to attain the desired growth. The Government views Naivasha Protocol on wealth sharing from this perspective. This protocol provides for the following:

- 1- The right of states to issue their own legislation, collect and utilize their resources including taxation.
- 2- Setting up of a fund for the national resources (non-state resources)
- 3- Setting up of a national council for the distribution of resources between the federal Government and the states. The states will be represented in this council by their Ministers of Finance. This council has the right to monitor payment of the state's dues from the national resources.
- 4- Setting up a fund for development and rehabilitation of the war-affected areas including Darfur. To overcome the aftermath of war in Darfur, the international community is required to contribute effectively in the development and rehabilitation efforts

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Social Aspects

The following issues should be addressed:

- 1 Sewing up the social fabric through attaining reconciliation between different tribes and mending damages in keeping with heritage and traditions of the people of Darfur.
- 2 Holding a conference for Darfur tribal leaders to discuss the basis for peaceful co-existence and the requirements of social security and resolving conflicts over resources and land.
- 3 Holding inclusive conference on Darfur to endorse the resolutions of the tribal leaders conference, referred to above, to pave the way for reconciliation and mending the social fabric in Darfur.
- 4 In view of the root causes of the problem and its social and cultural dimensions, the Government believes that there is a need to create a commission for land to resolve disputes linked to tribal ancestral holdings, movement and routes of nomads and regulating land use and development.

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Chapter One

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Chapter Two

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